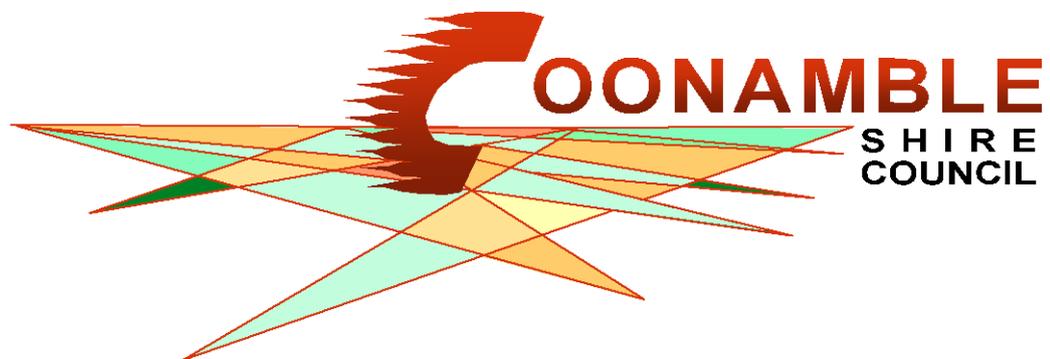


Coonamble Shire Council

APPENDIX A

COUNCILLORS' EXPENSES AND FACILITIES POLICY



Councillors' Expenses and Facilities Policy 2017/2018

SECTION 252, LOCAL GOVERNMENT ACT 1993

COUNCILLORS' EXPENSES AND FACILITIES POLICY

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PART 1 – PRELIMINARY

(i) Citation

This policy is in accordance with the requirements of the Local Government Act 1993 and also the “Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW” (issued by the NSW Department of Local Government), and may be cited as the “Councillors’ Expenses and Facilities Policy”.

(ii) Commencement

This policy was adopted by Council on 12 JULY 2017 (Min No 2640).

(iii) Scope

This policy provides for the payment or reimbursement of expenses and the provision of facilities by Coonamble Shire Council to its Mayor and Councillors. It is also relevant to a Council Administrator, if applicable, and with necessary modifications.

(iv) Purpose of the Policy

To ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

(v) Policy Objectives

- To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor, Deputy Mayor and Councillors are appropriate to the importance of the Office and are consistently applied and transparent.
- To ensure that no Councillors suffer hardship by reason of meeting their civic responsibilities as an elected person.
- To adequately reimburse Councillors for expenses incurred in the performance of their duties, including expenses incurred in becoming adequately informed on subjects relevant to their civic duties.

This policy also aims to uphold and demonstrate the following key principles:

Conduct – Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act.

Participations, equity and access – the provisions of this policy are non-discriminatory and are to be used in an equitable manner to enable full participation by Councillors from different walks of life. The provisions of the policy shall be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor

Accountability and transparency – the details and range of benefits provided to the Councillors are to be clearly stated, fully transparent and acceptable to the local community.

Reasonable expenses – Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor. Only those entitlements specifically described in this policy shall be provided by Council.

(vi) Reporting Requirements

Section 428(2)(f) requires a council to include in its Annual Report:

- Council’s policy on the provision of facilities for and the payment of expenses to Councillors.
- The total amount of money expended during the year on providing those facilities and paying those expenses.
- Additional information as required by the Local Government (General) Regulation 2005.

Additional annual reporting requirements:

Clause 217 of the Local Government (General) Regulation 2005 requires Councils to include the following, additional reporting information in their annual reports:

- The total cost of expenses and the provision of facilities for the Mayor and all Councillors.
- The cost of the provision of dedicated office equipment allocated to Councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in the Councillors’ homes (including line rental and internet access).
- The cost of phone calls including mobiles, home located landlines, facsimile and internet services.
- Spouse/partner/accompanying person expenses
- Conference and seminar expenses
- Training and skill development expenses
- Interstate travel expenses (including subsistence and out-of-pocket expenses)

- Overseas travel expenses (including subsistence and out-of-pocket expenses)
- Care and other related expenses (of dependants to enable a Councillor to undertake his or her civic functions).

(vii) Legislative Provisions

This policy is made under section 252 of the *Local Government Act 1993* and in accordance with clause 403 of the *Local Government (General) Regulation 2005*.

Within five (5) months after the end of each year, A council must adopt a policy concerning the payment of expenses incurred or to be incurred by and the provision of facilities to the Mayor, the Deputy Mayor and the other Councillors in relation to discharging the functions of civic office.

Prior to adoption, public notice must be given and public submission invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the policy.

Within 28 days after adopting a policy or making an amendment to its Councillors' Expenses & Facilities Policy, Council is required to forward the following information to the Director-General of the Department of Local Government:

- A copy of the policy or amendment
- Details of all submissions received during the public exhibition period
- A statement setting out, for each submission, the Council's response to the submission and the reasons for the Council's response
- A copy of the public exhibition notice.

This policy does not provide for:

- The payment of any allowance in the nature of a general expense allowance
- A motor vehicle owned or leased by the Council to be made available for the exclusive or primary use or disposition of a particular Councillor, other than the Mayor
- The use of Councillor expenses to support attendance by Councillors at political fundraising functions.

(viii) Other Government Policy Provisions

- Department of Local Government – Guidelines for payment of expenses and provision of facilities
- Coonamble Shire Council’s Code of Conduct
- Department of Local Government – Circulars to Councils
- Independent Commission Against Corruption (ICAC) publications.

Councillors should be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of Council resources (Guidelines 2) November 2002*. This publication is available on the ICAC website at www.icac.nsw.gov.au

(ix) Councillors’ & Mayor’s Monthly Allowance

An annual fee is paid to each Councillor by Council. The fee is the amount fixed by Council under division 5 of part 2 of chapter 9 of the Local Government Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

The setting and payment of Councillor annual fees does not fall within the scope of this policy.

(x) Claims for Reimbursement of Expenses & Approval Process

Claims for reimbursement of expenses under this policy shall be submitted within the financial year in which they were incurred or within three (3) months of incurring the expense(s), whichever is the later.

Claims shall be submitted to the General Manager or delegate and shall be accompanied by the reimbursement form attached to this policy. Tax invoices and receipts are to be supplied when available to support claims.

Reimbursement of significant or potentially contentious expenses under this policy will require prior approval at an Ordinary Council Meeting. Less significant expenses will require approval by the Mayor and the General Manager, or in the case of the Mayor’s expenses, the Deputy Mayor and the General Manager (to avoid any one person being the sole decision maker with respect to reimbursements).

Claims for travelling expenses under this policy shall include details of:

- The date and place of departure
- The date and place of arrival
- Distance travelled
- Fares and parking fees paid
- The amount claimed as travelling allowances

- Total amount of claim.

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff under the Local Government (State) Award (or any document that succeeds that Award).

Council shall, where possible, pay expenses directly by account.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillors and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this policy, the Act and any other relevant law. The decision of Council shall be binding on all parties.

(xi) Payments in Advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training courses. However, Councillors must fully reconcile all expenses against the cost of the advance.

Within three (3) weeks of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The maximum value of a cash advance for attending conferences, seminars and training courses is \$100 per day, subject to a period of stay not exceeding the period for the conference, seminar or training course or authorised business plus one day each way for travelling.

(xii) Monetary Limits

The monetary limits prescribed in this policy set out the maximum amount that is payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

(xiii) Accompanying Persons Expenses

Expenses of a Mayor or Councillor's spouse/partner and accompanying persons shall be met by Council in the following circumstances:

- a) where the reasonable expenses of the spouse/partner have been met by the Mayor/Councillor; and
- b) the Mayor's/Councillor's spouse/partner has been officially invited to and has accompanied the Mayor/Councillor to a function/event; and
- c) the function relates to the discharge of the civic functions of the Mayor/Councillor; and
- d) the attendance of the Mayor's/Councillor's spouse/partner/ accompanying person at the function(s) is considered reasonable necessary or appropriate in order for the Mayor/Councillor to fulfil his/her statutory role (e.g. where the Mayor/Councillor is hosting a reception or the attendance of the Mayor/Councillor and his/her spouse/partner/accompanying person as official guests at a local function to which guests are invited with their respective spouses/partners/accompanying person and the Councillor is representing the Council at the function.

This reimbursement does not extend to functions where the attendance of the Councillor's spouse, partner or accompanying person may be convenient, but could not be properly seen as relating to the discharge of functions of civic office (e.g. attendance at seminars, conferences and the like, with the exception of the Annual Conference of Local Government NSW).

The payment for spouses, partners and accompanying persons for attending appropriate functions (as detailed above) will be confined specifically to the ticket, meal and/or the direct cost of attending the function.

Limited expenses of spouses, partners or accompanying persons associated with attendance at Local Government NSW Annual Conference will be met by Council. These expenses are limited to the cost of registration and the official Conference dinner. Travel expenses and the cost of partner/accompanying person tours etc. are the personal responsibility of individual Councillors.

(xiv) Provision of Facilities Generally

Unless otherwise stated, where a facility may be provided by Council in accordance with this policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted operational plan and budget.

(xv) Dispute Resolution

Where possible, approval is to be sought and gained prior to reimbursable expenses under this policy being incurred, and a pre-approved limit be advised if requested.

In the event of a dispute as to the reimbursement of expenses or the availability of facilities under this policy, the Mayor and General Manager jointly, will make a decision on the matter in dispute. ;If a dispute exists with the Mayor, the Deputy Mayor and the General Manager jointly will make a decision on the matter in dispute.

If any matter is still in dispute after the joint decision of the Mayor/Deputy Mayor and General Manager, then the matter in question will be referred to a full Council Meeting for determination.

PART 2 – TRAINING & DEVELOPMENT, CONFERENCES, SEMINARS & VISITATIONS

(i) Training & Development, Conference and Seminars within NSW

Council encourages and supports the skills development of Councillors and educational courses that are directly related to Councillors' civic functions and responsibilities in order that Councillors have the resources needed to understand and undertake their role effectively and to facilitate continuing professional development opportunities.

- Councillors may attend conferences, seminars, targeted Councillor training courses.
- Approval to attend conferences, seminars, targeted Councillor training courses, and accredited training and education courses within NSW must be approved by Council.
- The Mayor and Councillors may attend conferences, seminars and accredited courses outside NSW only with approval of the Council and shall submit a written request for this purpose stating the reasons why he or she wishes to attend and what benefits it will bring to the Council.
- Further, all Councillors are eligible to attend the Annual Conference of Local Government NSW and all female Councillors are eligible to attend the Annual Australian Local Government Women's Association NSW Branch Conference.
- The council will pay all normal registration costs which are charged by organisers including the cost of related official luncheons, dinners and tours which are relevant to the interest of the Council or assist Councillors to discharge the functions of their civic office.
- If a private motor vehicle is used, the "mileage" allowance will be paid at the then current rate set by the NSW Local Government (State) Award.
- Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by the Council.
- Reasonable accommodation costs, including the night before and/or after the conference where this is necessary, will be met by the Council for conferences and seminars.
- Reasonable business out-of-pocket expenses will be reimbursed for costs associated with attending the conference, seminar, meeting or function. Reasonable out-of-pocket expenses will be limited to: parking fees; taxi fares; meals not included in the conference program and the reasonable cost of drinks accompanying a meal. Council will not meet the cost of laundry or the cost incurred for the use of a bar-fridge in a hotel room.

This expense is subject to a reimbursement limit of \$100 per Councillor per day.

- Where the attendee is accompanied by his or her spouse/partner, the Council will not pay for any cost supplement involved in the accommodation. All costs for the spouse/partner (including travel, tours, meals, etc.) are to be borne by the attendee.

(ii) Interstate & Overseas Travel

Council will pay the same expenses as detailed above (for conferences within NSW) for Councillors travelling interstate and overseas on Council business only if Council resolved (at a meeting of the full Council) that such travel be undertaken.

Council reports in relation to overseas travel are to indicate:

- The total cost of the travel and a break-down of the total cost into the following areas – transport, accommodation and out-of-pocket reimbursement of expenses per person (including any amounts expected to be reimbursed by participants).
- Who is to take part in the travel.
- The length of the stay overseas.
- The purpose of the travel and the objectives to be achieved in undertaking the travel, including an explanation of what community benefits are expected as a result of the travel.
- Where exceptional cases arise for overseas travel (i.e. the travel has not been documented in Council's adopted Operational Plan) and travel has to be undertaken at short notice, the report to the Council will include why the travel is considered to be exceptional.

If the trip is to be sponsored by private enterprise, ICAC guidelines and reporting structures shall be followed.

Incidental conference, seminar and visitation expenses include telephone and facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees and meals not included in any conference/seminar program. This expense is subject to a reimbursement limit of \$100 Councillor per day.

(iii) Sister City Travel Expenses

Any visitations to and travel and accommodation costs associated with sister city arrangements by Coonamble Councillors must be approved by a Council Meeting prior to acceptance of any invitations and any gifts or benefits associated with such visits. Both parties shall show full regard to the requirements of both Councils' Codes of Conduct

PART 3 – PROVISION OF FACILITIES & SPECIFIC EXPENSES FOR COUNCILLORS

In addition to the Councillor's Fee (Allowance) set by Council annually following determination by the Remuneration Tribunal, Councillors are entitled to receive:

(i) Equipment & Other Items not required to be Returned

- (i) Stationery items limited to letterheads, business cards (bearing coloured personal photographs if requested), "With Compliments" slips and envelopes for use on Council business. This expense is subject to a limit of \$20 per Councillor per year.
- (ii) The cost of postage associated with mail sent by Councillors in the course of carrying out their civic duties, to their constituents will be borne by the Council to a maximum of \$100 per Councillor per annum.
- (iii) Councillors' name badges.
- (iv) Secretarial support when required on Council matters.
- (v) Meals and refreshments following meetings of Council and its Committees – as arranged by the General Manager in accordance with budgetary limits.
- (vi) Access to Council's Policy Register and other necessary codes required for reference purposes.
- (vii) Councillors may be reimbursed for the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations (including attending Council or Committee meetings), subject to a limit of \$50 per Councillor per month.
- (viii) A telephone allowance of up to \$20 per Councillor per month, subject to documentary evidence of Council business use.

All equipment remains the property of Council and is returnable on a Councillor ceasing to hold office.

PART 4 – PROVISION OF ADDITIONAL FACILITIES & SPECIFIC EXPENSES FOR THE MAYOR

In addition to the benefits provided to Councillors, the Mayor is entitled to a Mayoral Fee (Allowance), which is set by Council annually following determination by the Remuneration Tribunal and:

(i) Equipment and Other Items Not Returnable

- (i) Mayoral name badges
- (ii) Secretarial services provided from within Council.
- (iii) Reimbursement for reasonable expenses incurred by the Mayor in attending functions or performing duties in the role of Mayor.

(ii) Equipment and Other Items Required to be Returned

- (i) Lease back of the Council's Mayoral vehicle (which is fully serviced and maintained by Council) and including the provision of a fuel card for the Council vehicle. Standard class vehicle shall be a Holden sedan or equivalent, with conditions of use being generally in accordance with Council's Lease Back Agreement. Copy attached.
- (ii) Use of the Mayoral Chain of Office while acting in the official capacity of Mayor.

(iii) Provision of Office for Mayor

The Mayor shall be provided with an office for the performance of official duties relating to the business of Council.

The Mayor shall have the amount of the lease back for the vehicle, as determined by Council when setting fees & charges, deducted from the monthly Councillor/Mayoral Allowance.

PART 5 – LIMITATION ON SPECIFIC EXPENSES FOR THE MAYOR AND COUNCILLORS

(i) General Travel Arrangements

All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

The driver of any vehicle (including the Mayor and Councillors) is personally responsible for all traffic and parking fines incurred while travelling in private or Council vehicles on Council business.

The reimbursement of travel expenses includes associated other costs, such as parking and road tolls.

(ii) Private Use of Equipment and Facilities

The fees payable under this policy shall be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty program. However it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

Where more substantial private use has occurred the Councillor must reimburse Council for the actual cost to Council of the private use in question.

Equipment, facilities and services provided under this policy shall not be used to produce election material or for any other political purposes.

The distribution, dissemination or publication, using any Council resources, of any Council newsletter or any other communication featuring the name or identity of any Councillor (including the Mayor) or any candidate for any Local Government election is strictly prohibited.

PART 6 – LEGAL ASSISTANCE

Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

In the particular circumstances outlined below, Council will indemnify or reimburse the reasonable expenses of :

- a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or
- b) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- c) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his/her term in office. An example of the latter is expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain. This type of expense is not reimbursable under this policy.

Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances.

Council will not meet the costs of a Councillor seeking advice in respect of a possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor. Any indemnity or reimbursement of legal costs will be made only by resolution of the full Council.

PART 7 – INSURANCE/INDEMNITY

Section 382 of the Local Government Act 1993 requires a Council to make arrangements for its adequate insurance against public liability and professional liability.

The Mayor and Councillors will be provided with full indemnity against any action, liability, claim or demand arising from the bona fide performance of their responsibilities, with the exception of defamation claims where the availability and extent of an indemnity shall be determined by Council in its absolute discretion, after the claim has been disposed of by a final judgement in proceedings, withdrawn, settlement or compromise of proceedings or otherwise as the case may be, having regard to all circumstances that Council, in its absolute discretion, considers relevant.

Insurance provision for Councillors includes:

- Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions).
- Professional indemnity (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions).
- Personal injury while on Council business.
 - Note: Councillors are not covered by Workers Compensation payments or arrangements.

All insurances are subject to any limitations or conditions set out in the Council's policy of insurance.

PART 8 – CODE OF CONDUCT REQUIREMENTS

Council's Code of Conduct contains the following provisions that are relevant to this Councillors' Expenses & Facilities Policy:

Use of Council Resources

- You must use Council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties and must not use them for private purposes, unless this is lawfully authorised and proper payment is made where appropriate.
- You must be scrupulous in your use of Council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body.
- You must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.
- The interests of a Councillor in their re-election are considered to be a personal interest and, as such, the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, Council crests and other information that could give the impression it is official Council material must not be used for these purposes.
- You must not convert any property of the Council to your own use unless properly authorised.

Coonamble Shire Council
Claim Form – Annexure No 1

NAME: _____

I hereby submit the following claim for expenses incurred in attending:

<i>Date</i>	<i>Type of Meeting</i>	<i>Location</i>	<i>Km Travelled (Engine capacity 2.4l & less)</i>	<i>Km Travelled (Engine Capacity 2.5l & above)</i>	<i>Date</i>	<i>Other Expense Details (receipts attached)</i>	<i>Amount claimed (\$)</i>

Coonamble Shire Council

Prepayment Reconciliation Statement – Annexure No 2

Councillor: _____

Claim

Date: _____

Event: _____

Council

Resolution: _____

Prepayment Amount: _____

Claim details:

Cheque No	PREPAYMENT BY COUNCIL	\$	Less the following detailed expenses	
Date	Description of Goods or Service	Amount Claimed	Tax Invoice Attached or Kms Claimed	Job Number Office Use

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In cases a mileage allowance is claimed, please provide the following details:

Vehicle Make/Model: _____ Registration
 No: _____

Please tick: Vehicle Engine Capacity: Under 2.5 litre 2.5 litre 7 over

I certify that the expenses being claimed on this reimbursement form were legitimately incurred as part of my official civic duties as a Councillor of Coonamble Shire Council and all receipts are attached.

Councillor: _____ **Signed:** _____ **Date:** _____

AUTHORISATION

Councillor: _____ **Signed:** _____ **Date:** _____

**General
 Manager:** _____ **Signed:** _____ **Date:** _____

4. The arrangements set out herein for the provision of a motor vehicle may be cancelled by either party upon one month's notice in writing.
5. The Council and the Mayor agree that the motor vehicle shall be driven only by the Mayor or the Mayor's spouse.
6. In consideration of Council making available to the Mayor the use of such motor vehicle for private purposes, the Mayor in receipt of such benefit shall pay to the Council a sum in the amount of :

\$157.50 per month for 2017/2018 and indexed to rate pegging legislation and will be subject to change in the event of any alterations in present taxes or the introduction of future taxes which may affect costs incurred by Council.
7. Should the Mayor be convicted of the offence of "driving with more than the prescribed concentration of alcohol in the blood" the Mayor shall bear the costs of associated damages and repairs in the event that Council's Insurers disclaim responsibility.
8. Any rights to the vehicle shall be revoked if the Mayor's motor vehicle licence is suspended by a Court or the Roads and Traffic Authority for any reason for the period of that suspension.
9. The Mayor is responsible for recording the details of all fuel used and all travel details and must provide these details to Council.
10. The arrangement may be terminated at any time by Council if the Mayor fails to comply with the conditions of this arrangement.

IN WITNESS WHEREOF the parties have hereunto set their hands on the day and year first hereinbefore mentioned.

SIGNED for and on behalf of the

COONAMBLE SHIRE COUNCIL

in the presence of :

.....(Witness)

SIGNED by the said

MAYOR

in the presence of :

.....(Witness)

Presented to Council Meeting: 10 May 2017

Public Exhibition: 17 May 2017 to 16 June 2017

Adopted by Council: 12 July 2017 (Min No 2640)

Presented to Council: 9 May 2018

Public Exhibition: 16 May 2018 to 15 June 2018

Adopted by Council