



# PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS POLICY

Adoption Date: 26<sup>th</sup> August 2024

Review Date: 26<sup>th</sup> August 2025

Responsible Officer: General Manager

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## POLICY STATEMENT

The purpose of this policy is 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.

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## OBJECTIVES

To ensure that the details and range of expenses paid and facilities provided to the Councillors by the Council are clearly and specifically stated, fully appropriate to the importance of office, are consistently applied and transparent, and are acceptable to the community.

To ensure that the Councillors are reimbursed for expenses reasonably incurred in the performance of their roles as a Councillor.

To ensure that election to Council is open to all by ensuring that no one would be financially or otherwise disadvantaged in undertaking the civic duties of a Councillor.

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## **1. Background**

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act 1993* or any other Act. This is required under section 439 of the *Local Government Act 1993* and reinforced in the Code of Conduct made under section 440.

The purpose of this policy is to establish, where practicable, clear limits for all expenses and facilities, including a process for the approval, reconciliation and reimbursement for all such expenses and facilities. Councillors can only receive reimbursement for expenses and the use of facilities clearly identified in this Policy.

This policy does not permit a private benefit (other than a non-incidental private benefit) to be gained from expenses and facilities nor does it permit the payment of a general expense allowance.

Councillor annual fees do not fall within the scope of this policy.

This policy has been prepared in accordance with the requirements of the *Local Government Act 1993* and the 'Guidelines for the payment of expenses and the provision of facilities for mayors and Councillors in NSW' in effect at the time of adoption by Council. This policy only applies in relation to Council business or related social activities/functions. For the purposes of this policy, the Council Christmas celebration or other equivalent function is deemed to be a Council related social function.

## **2. Payment of Expenses**

### **2.1 General**

Reimbursement of costs and expenses will only be made:

1. in accordance with the monetary limits prescribed in this policy, and
2. on lodgment of a completed Claim Form within three months of the cost or expense being incurred, such Claim Form including, unless required otherwise by this policy:
  - an itemised account of the expenditure, and
  - valid GST receipts.

For periods less than a full year, for example, after a local government general election, the reimbursement of costs and expenses will be calculated on a pro rata basis.

Reasonable out of pocket or incidental travel expenses incurred (such as telephone or facsimile calls, refreshments, internet charges, taxi fares, parking fees and tolls) will be reimbursed subject to production of valid GST receipts or a signed statutory declaration itemising the expenses.

### **2.2 Advance Payment**

Advance payment for meals and incidentals by cheque or EFT is available provided a completed Claim Form has been lodged with sufficient notice to allow for preparation of the advance. Payment for meals will not exceed the maximum allowable rates prescribed in the Australian Taxation Office (ATO) 'Reasonable Travel and Meal Allowance Expenses' Determination, as applicable for the date of travel.

A full reconciliation of all expenses incurred (including valid GST receipts) against the amount of the advance must be provided within two weeks of return from the event. All unspent funds must be returned.

## **2.3 Specific**

### **2.3.1 Conferences, seminars, training and educational expenses and approval of attendance**

Attendance at conferences and seminars must be approved by Council in advance of the event. If time does not permit, then the General Manager and Chairperson or Deputy Chairperson (for attendance by the Chairperson) may approve such attendance, taking account of: relevance; benefit to Council; and budget availability.

Where staff does not attend an event, the Councillor on return from the event must provide a written report to Council detailing highlights and in particular, aspects of the event relevant to Council business and/or the local community.

### **2.3.2 Registration, accommodation and air travel**

All bookings are to be arranged through the Administration Officer.

Payment for registration, accommodation and air travel must:

- wherever possible, be paid direct by Council to the provider; and
- not exceed the maximum allowable rates prescribed in the Australian Taxation Office (ATO) 'Reasonable Travel and Meal Allowance Expenses' Determination, as applicable from time to time.

## **2.4 Meals**

The cost of meals not provided as part of the registration fee or accommodation package will be reimbursed in accordance with maximum allowable rates prescribed in the Australian Taxation Office (ATO) 'Reasonable Travel and Meal Allowance Expenses' Determination, as applicable from time to time.

If valid GST receipts are not provided then reimbursement will be at 50% of the ATO 'Reasonable Travel and Meal Allowance Expenses' Determination rate.

## **2.5 Spouse or partner expenses**

Council will meet the reasonable costs of the spouse or partner or an accompanying person of a Councillor for attendance at an official Council function within the local government area that are of a formal or ceremonial nature. Reasonable costs are limited to the ticket, meal and/or direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not reimbursable expenses.

## **2.6 Travelling expenses**

### **2.6.1 General**

The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles.

When travelling by car every attempt must be made to car pool with other Councillors or Council staff.

### **2.6.2 Travel**

All travel relating to Council business must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

A Councillor that travels using their private car will be reimbursed at the appropriate kilometer rate in accordance with the *Local Government (State) Award 2023* or airfare rate, whichever is the lower. Evidence of current vehicle registration and compulsory third party insurance coverage must be provided to the General Manager prior to travel.

Alternative methods of transport will be reimbursed following the production of valid GST receipts.

### **2.6.3 Overseas travel**

International travel relating to Council business must be avoided unless it can be demonstrated that direct and tangible benefits can be established for both the Council and local community. The travel must be documented in a Report to Council and considered and approved by a full meeting of the Council prior to the travel being undertaken.

The Report must identify the Councillors nominated to undertake the travel and detail the purpose of the travel and expected benefits derived from the travel. The duration, itinerary and approximate total cost of the visit must also be provided.

### **2.7 Care and other related expenses**

Councillors will be entitled to claim reimbursement for the reasonable cost of care arrangements to allow the performance of normal civic duties and responsibilities while attending:

1. Council meetings;
2. Council Committee meetings;
3. Other essential Council related business (for example, conference, seminars, briefing sessions/workshops called by Council, the Chairperson or the General Manager).

This includes reimbursement for up to one hour before and after an event.

'Care and other related expenses' means childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors. Childcare expenses will only be reimbursed in relation to children of the Councillor that are up to and including the age of 16 years.

The cost of care arrangements will be reimbursed upto \$1,000 per financial year per Councillor, subject to lodgment of a completed Claim Form supported by valid GST receipts and details of the Council related activity that was attended. Expenses are not reimbursable if care is provided by an immediate family member, spouse or partner or someone who ordinarily resides with the Councillor.

Council will make provision for the payment of other related expenses associated with the special requirements of Councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities. For any Councillor with a disability, the Council may resolve to provide reasonable additional facilities and expenses which may be necessary for the performance of their duties.

### **2.8 Use of Council resources**

Councillors must not, as a result of Council funded and approved expenditure, obtain more than incidental private benefit from the provision of equipment and facilities. This includes

travel bonuses such as ‘frequent flyer’ schemes or any other such loyalty programs. It is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental use is not subject to a compensatory payment to Council. Where more substantial private use does occur, reimbursement to Council of the value of that private use is required. The value of ‘private use’ in this context is the proportional private use/business use percentage.

Any resources provided under this Policy must not be used for personal interests. This includes but is not limited to the following: a Councillors re-election; any political party event or activity.

## 2.9 Giving of gifts and benefits

Where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business related trip or when receiving visitors), these gifts and benefits should be of a token value only (refer to Council’s Code of Conduct).

Version	Adopted Date	Minute No.	Details of Review
2	16 November 2020	11/20/8	Adoption of Revised Policy
3	19 October 2021	10/21/8	Adoption of Revised Policy
4	29 August 2022	08/22/08	Adoption of Revised Policy
5	28 August 2023	06/23/07	Adoption of Revised Policy
6	26 August 2024	04/24/09	Adoption of Revied Policy