

## 1.0 INTRODUCTION

- 1.1 This policy ensures that Councillors are not financially disadvantaged undertaking their civic duties as an elected representative whilst also ensuring resources are used ethically, effectively, efficiently and carefully, a requirement of the Council's Code of Conduct.
- 1.2 There is a legislative obligation under section 252 of the Act for Council to adopt a policy concerning payment of expenses incurred, or to be incurred, by and the provision of facilities to, the Mayor, Deputy Mayor and any other Councillors in relation to discharging the functions of civic office.

## 2.0 PURPOSE

- 2.1 To ensure that there is accountability and transparency in the reimbursement of reasonable expenses incurred by Councillors and provide clear and specific monetary limits for these, where appropriate.
- 2.2 To ensure that the facilities provided to assist Councillors to carry out their civic duties are reasonable and adequate.

## 3.0 SCOPE

- 3.1 This policy applies to all Councillors.

## 4.0 DEFINITIONS

- 4.1 **Council** is the Moree Plains Shire Council.
- 4.2 **Expenses** are payments made by the Council to reimburse Councillors for reasonable costs or charges incurred for discharging their civic functions.
- 4.3 **Facilities** are equipment and services that are provided by Council to Councillors to enable them to perform their civic functions at a standard appropriate to their professional role.
- 4.4 **Functions of civic office/civic functions** are functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or the local community.
- 4.5 **Interstate** refers to all areas outside of New South Wales, and excludes Australian Capital Territory and Darling Downs South West, Wide Bay-Burnett, Brisbane Central and South-East Queensland North and South.
- 4.5 **Act** is the *Local Government Act 1993*.
- 4.6 **Shire** is the Local Government Area of the Moree Plains Shire.

## 5.0 POLICY STATEMENT

### 5.1 Responsibilities

- 5.1.1 The Executive Department is responsible for implementing and distributing this policy.
- 5.1.2 The Corporate Services Department is responsible for ensuring reimbursements are made in accordance with this policy.

### 5.2 Exclusion of General Expense Provision

- 5.2.1 In accordance with Clause 403 of the Local Government (General) Regulation 2005, no provision has been made for the payment of an allowance in the nature of a general expense allowance.
- 5.2.2 For the purposes of 5.2.1, a general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific time frame.

### 5.3 General Provisions

- 5.3.1 A person's election is considered to be a personal interest and therefore use of any Council resource such as letterhead, tablets, websites, Facebook page or Council staff time for this purpose is prohibited. Council facilities and equipment are not to be used to produce election material or for any kind of political purpose.
- 5.3.2 Payment towards attendance at fundraising activities for political parties and the use of Council resources for this purpose will not be provided under any circumstance.
- 5.3.3 The use of expenses and facilities for personal benefit (such as private use of a mobile phone or tablet) is not allowed unless the appropriate arrangement is in place for the Council to receive reimbursement of the personal benefit gained.
- 5.3.4 Gifts and benefits provided by a Councillor in their official capacity must be of a token value (as defined in the Gifts and Benefits Policy) and in accordance with the Council's Gifts and Benefits Policy.
- 5.3.5 Councillors should not generally obtain a private benefit from the provision of equipment and facilities. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental use is not subject to reimbursement by the Councillor.
- 5.3.6 The payment or reimbursement of expenses and the facilities provided under this policy will be provided without reduction from the annual fees, as determined by the Council under sections 248 to 254 inclusive of the Act, payable to the Mayor and Councillors.

- 5.3.7 Payment of expenses and provision of facilities covered by this policy will cease on the Thursday prior to a local government election and, for re-elected Councillors, shall not resume until the opening of the first meeting of the new council after the election. All Council issued mobile phones, tablets and the like will need to be returned to the Council by this date.

#### **5.4 Reimbursements and Reconciliation of Expenses**

- 5.4.1 Reimbursement of costs and expenses to Councillors will only be made in accordance with this policy and upon production of tax invoices and completion of a Councillor Expense Claim Form. If submitted documentation is inadequate, the claimant will be notified of the outstanding information required and no payment made until all documents have been received.
- 5.4.2 Claims for reimbursement should be submitted within three (3) months of the expense being incurred.
- 5.4.3 Payment will be made within fourteen (14) days of an approved claim being received.
- 5.4.4 Councillors may request payment in advance in anticipation of expenses to be incurred in attending commitments away from home or for any other service or facility covered by this policy. Requests for prepayment will need to be submitted in writing to the General Manager no less than fourteen days prior to travel and approved in accordance with clause 5.5 of this policy. Reconciliation of these expenses will need to occur within 28 days of the expenses being incurred.

#### **5.5 Approval**

- 5.5.1 Approval for expenses in accordance with this policy will be undertaken by the Mayor and General Manager or, in the case of the Mayor, the Deputy Mayor and General Manager unless otherwise specified.
- 5.5.2 Interstate and International travel requires a resolution of the Council.

#### **5.6 Specific Expenses**

- 5.6.1 Expenses will be paid for Councillors to attend:
- Pre-approved training courses, seminars, conferences or similar functions
  - Meetings of the Council including Council Meetings, Standing Committees, workshops and presentations
  - Meetings with residents in the course of discharging duties as a Councillor
  - Meetings of other committees, bodies, organisations or groups to which Councillors are Council delegates

- Other functions of civic office and civic functions.

### **5.7 Attendance at seminars and conferences**

- 5.7.1 Council will meet the costs associated with Councillors attending a conference, seminar or similar function that has been authorised by resolution of the Council or approved under delegated authority in accordance with this policy.
- 5.7.2 The expenses that will be covered are registration fees, accommodation, reasonable sustenance and travel.
- 5.7.3 Councillors will report, in an open session of a Council Meeting, the outcome of the conference, seminar or similar function attended. The report will be submitted in writing to the General Manager within one (1) month of the Councillor's attendance. If a number of Councillors attend the same function, one combined report may be submitted so long as it is signed by all who attended.

### **5.8 Training and educational expenses**

- 5.8.1 Councillors will be provided with any necessary training and education they require to enable them to carry out their civic duty effectively.
- 5.8.2 Wherever possible, training will be organised to occur within the Shire to allow all Councillors the opportunity to attend and may be facilitated by an external provider or a member of staff.
- 5.8.3 The expenses that will be covered are course fees, accommodation, reasonable sustenance and travel.
- 5.8.4 There is no monetary limit for training and educational opportunities.

### **5.9 Attendance at Dinners and Non-Council Functions**

- 5.9.1 Consideration will be given to meeting the actual costs of a Councillor attending a dinner or other non-council function where this provides a briefing to Councillors from key members of the community, politicians and business.
- 5.9.2 Approval to meet expenses will only be given where the function is relevant to Council's interest.
- 5.9.3 No payment will be reimbursed for any component of the ticket that is additional to the service cost of the function, such as a donation or some other private benefit.

## 5.10 Expenses for travel within the Shire

### Travel – motor vehicle

- 5.10.1 Councillors are entitled to be reimbursed for the use of their private vehicle for travel to and from commitments within the Shire. Payment will be based on the Local Government (State) Award rates.
- 5.10.2 The allowable distance able to be claimed will be for travel, by the most practicable route, from the Councillors usual place of residence or other place where the Councillor might be (whichever is the lesser), immediately prior to the commitment.
- 5.10.3 Councillors must keep a log of all kilometres travelled and submit the log sheet at the end of each month.
- 5.10.4 Costs associated with traffic or parking fines incurred whilst travelling on Council related business are the responsibility of the driver.
- 5.10.5 There is no monetary limit for reimbursement of these expenses.

### Sustenance

- 5.10.6 Arrangements will be made for appropriate refreshments to be provided at each internal meeting suitable for the scheduled time.
- 5.10.7 Reasonable out-of-pocket expenses will be reimbursed for costs associated with attendance at external meetings, excluding costs of a personal nature and will be restricted to \$30 per day. Costs associated with the purchase of alcohol will not be reimbursed.

### Accommodation

- 5.10.8 Should a meeting be scheduled to commence before 8.30am or finish later than 9.00pm and the Councillor lives more than 50km from the meeting location, Council will meet reasonable accommodation costs (including sustenance) on the evening of the meeting.
- 5.10.9 The monetary limit for these expenses is \$150 per day.

## 5.11 Expenses for travel outside the Shire

### Travel – motor vehicle

- 5.11.1 When travelling outside the Shire, the Councillor should first attempt to secure, through the Executive Department, use of a Council vehicle for their travel. Where Council vehicles are unavailable, a Councillor may use their private motor vehicle. Payment will be based on the Local Government (State) Award rates.

- 5.11.2 Where a private vehicle is used, and a council vehicle was available, reimbursement shall be at the discretion of the General Manager and Mayor.
- 5.11.3 Travel via motor vehicle will only be used where doing so does not place the occupant's health and safety at risk.
- 5.11.4 Costs associated with traffic or parking fines incurred whilst travelling on Council related business are the responsibility of the driver.
- 5.11.5 There is no monetary limit for these expenses.

### **Travel – rail or air**

- 5.11.6 Where travel by rail is required, Council will meet the costs of first class travel, including sleeping berths where required.
- 5.11.7 Where travel by air is required, Council will meet the costs of economy class. The claiming of rewards points, including frequent flyer points, for official travel is prohibited.
- 5.11.8 If required, a medium sized rental vehicle will be provided with unlimited kilometres and the full cost of parking will be reimbursed. No log book for this usage will be required.
- 5.11.9 There is no monetary limit for these expenses.

### **Sustenance**

- 5.11.10 Reasonable out-of-pocket expenses will be reimbursed for costs associated with meals, and non-alcoholic drinks consumed with meals, whilst travelling outside of the Shire.
- 5.11.11 Costs associated with the purchase of alcohol will not be reimbursed.
- 5.11.12 The monetary limit for these expenses is \$150 per day.

### **Accommodation**

- 5.11.13 Council will meet reasonable costs for accommodation, including the night before and after the meeting, for Councillors to attend a training course, seminar or conference where necessary.
- 5.11.14 Accommodation expenses will be in accordance with the accommodation rate applicable to those with an annual salary of \$209,001 and above in the Taxation Determination for that year.

### 5.12 Overseas and Interstate Travel

- 5.12.1 Overseas and Interstate travel for any purpose considered relevant to Council related business and/or of particular benefit to the local community must be approved in an open session of the Council.
- 5.12.2 The report will need to contain details of the proposed travel including itinerary, full costs (using maximum limits applied to travel outside of the Shire as contained within this policy), attendees, purpose of travel and expected benefit to the local community.
- 5.12.3 Following the travel, a report outlining any relevant aspects of the trip will need to be presented to the Council within two months.
- 5.12.4 Retrospective approval for overseas and interstate travel is not permitted.

### 5.13 Legal expenses

- 5.13.1 The reasonable legal expenses of a Councillor will only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance, in good faith, of a function for which they had authority under the Act or defending a claim in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.
- 5.13.2 In accordance with 5.13.1, Council will indemnify or reimburse reasonable legal costs associated with an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:
  - a) Local Government Pecuniary Interest and Disciplinary Tribunal
  - b) Independent Commission Against Corruption
  - c) Office of the NSW Ombudsman
  - d) Office of Local Government, Department of Premier and Cabinet
  - e) NSW Police Force
  - f) Director of Public Prosecutions
- 5.13.3 Council shall reimburse such Councillor after the conclusion of the inquiry, investigation or hearing upon satisfaction of the following criteria:
  - a) Approval in accordance with 5.5.1 is sought and gained, in writing, prior to any legal expense being incurred.
  - b) Council has obtained their own legal advice.
  - c) The amount of reimbursement shall be reduced by any monies recouped by the Councillor as part of the inquiry, investigation or hearing.

- d) The Councillor's performance or exercise of the civic duty or function was, in the opinion of Council's Solicitor, bona fide and/or proper, and the Councillor acted in good faith as required under section 731 of the Act.
  - e) The Council is not the plaintiff in the action.
  - f) Does not include any action by one Councillor against another Councillor.
  - g) The inquiry, investigation or hearing results in a finding that is not substantially unfavourable to the Councillor.
- 5.13.4 The amount of reimbursement will be limited to the equivalent rate charged by Council's Solicitors so that any gap between the hourly rate charged by the Councillor's Solicitor and the hourly rate charged by the Council's Solicitor will not be reimbursed.
- 5.13.5 Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- 5.13.6 Council will not meet the legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 5.13.7 The monetary limit for these expenses is \$2,000.

#### **5.14 Insurance expenses**

- 5.14.1 Councillors will receive the benefit of insurance cover, subject to any limitations or conditions set out in the policy of insurance that is taken out from time to time, for:
- a) Councillors and Officers Liability
  - b) Councillors and Officers Companion Liability
  - c) Public Liability
  - d) Personal Accident and Travel Insurance.

#### **5.15 Telecommunications/internet**

- 5.15.1 Each Councillor will be offered a mobile phone for use for civic duties. Where a Councillor chooses to use this phone for their private use also, they will need to enter into a Mobile Phone Usage Agreement and pay the applicable charges to cover personal use.
- 5.15.2 Council will supply a tablet with a Council email address for the provision of Council business. The data usage plan on each device will be 5Gb per month. Staff

will monitor monthly data usage and where this exceeds 5Gb, the Councillor will be charged for the additional costs to Council.

- 5.15.3 Wherever possible, it is preferred that Councillors use Council issued devices however, where a Councillor chooses to use their private fax machine, tablet, mobile phone or landline phone, they will need to submit copies of the statements with the applicable charges highlighted along with a Claim for Expenses form in accordance with clause 5.4.
- 5.15.4 Use of communication devices or services (such as a Council email address, tablet or printer) for the purpose of producing and disseminating personalised pamphlets, newsletters and the like is prohibited. Promotional material about the Council and its activities will be produced and disseminated through the relevant staff.
- 5.15.5 The monetary limit for these expenses is \$200 per month.

### **5.16 Care and other related expenses**

- 5.16.1 Council will reimburse the reasonable cost of carer arrangements, including childcare and care of the elderly, disabled and/or sick immediate family members the of Councillors (as defined under the Carers Leave provisions in the Local Government (State) Award), to allow Councillors to undertake their civic duties.
- 5.16.2 Consideration will be given to the payment of other related expenses associated with the special requirements of Councillors such as disability and access needs to allow performance of normal civic duties and responsibilities.
- 5.16.3 Reimbursement of these expenses will be limited to a maximum of \$1,200 per annum, plus \$300 per annum for carer expenses incurred in relation to attending a commitment outside of the Shire, if applicable.

### **5.17 Spouse and partner expenses**

- 5.17.1 Council will meet the reasonable costs of a spouse or partner attending official civic functions that are of a formal or ceremonial nature and held within the Shire. Such functions include civic receptions, citizenship ceremonies, Australia Day celebrations, functions for charities and organisations formally supported by the council.
- 5.17.2 Should a Councillor wish to have a spouse or partner accompany them on travel outside the Shire, the Councillor will be responsible for all additional costs associated with their attendance including travel (where travel is by rail, air or via private motor vehicle in accordance with clauses 5.10 and 5.11), additional accommodation costs and costs associated with them attending events, functions or tours associated with the travel.

5.17.3 If applicable, partners or spouses appropriately licensed can have use of the Council supplied motor vehicle or rental vehicle. Kilometres travelled in a Councillor's private vehicle by a partner or spouse cannot be claimed.

5.17.4 The Councillor will need to advise of their intention to take their spouse or partner in writing to the General Manager no less than fourteen days from the travel.

5.17.5 There are no monetary limits for these expenses.

### **5.18 Additional Expenses for Mayors**

5.18.1 The Mayor will be provided with a corporate credit card to facilitate payment of official Council business expenses. The Mayor will need to comply with the applicable policies and procedures concerning the management of corporate credit cards.

### **5.19 Provision of equipment and facilities for Councillors**

The following equipment and facilities will be provided to all Councillors for the duties of elected office:

5.19.1 Business cards with approved details.

5.19.2 Councillors Retreat within the Max Centre to provide Councillors a space for conducting business in the course of their civic duties. The room shall include tea and coffee making facilities and access to bathrooms. All Councillors will be provided with an access fob and security alarm code to enable outside of business hours access to this room.

5.19.3 Personal Protective Equipment (PPE), if required

5.19.4 Name Badge

5.19.5 Mobile Phone

5.19.6 Tablet

5.19.7 Secretarial and administrative services provided by the Executive Department

5.19.8 Reasonable access to a photocopier, fax machine and printer in the Executive area during normal office hours.

### **5.20 Additional Equipment and facilities provided to Mayor**

5.20.1 Motor Vehicle commensurate with the requirements of the role and in accordance with the Council's Motor Vehicle Policy. Where the Mayor is on leave of absence, the motor vehicle will be made available to the Deputy Mayor to carry out the full responsibilities of the role should this be requested.

5.20.2 Fuel card

5.20.3 Secretarial and administrative services provided by the Executive Assistant to the General Manager and Mayor and others, as required and facilitated through the General Manager.

5.20.4 Mayoral office

5.20.5 Use of ceremonial clothing – Mayoral Robes and Chain.

### **5.21 Acquisition and returning of facilities and equipment by Councillors**

5.21.1 Facilities and equipment will be provided to Councillors at the first meeting of the new Council following a local government election.

5.21.2 Councillors must return all equipment and other facilities in good condition to the Council by the time they cease to be an elected member of Council (midnight the night before a local government election) or when they are granted an extended leave of absence (more than three months).

5.21.3 Councillors may purchase the equipment at an amount determined as a fair market price or at the written down value of the asset excluding items of logged PPE which must be returned in accordance with Clause 5.21.2.

## **6.0 DELEGATION**

6.1 The General Manager and Mayor are authorised, pursuant to Section 377 of the Act, to allow a matter that does not conform to the policy to proceed if the General Manager and Mayor are of the opinion that the variation from the policy is of a minor nature.

## **7.0 REFERENCES**

7.1 Port Macquarie-Hastings Council *“Payment of Expenses and Facilities to Councillors Policy”*

7.2 Narrabri Shire Council *“Payment of Expenses and Provision of Facilities for the Mayor and Councillors Policy”*

7.3 Moree Plains Shire Council’s Code of Conduct

7.4 Local Government (General) Regulation 2005

7.5 Local Government (State) Award

7.6 *Local Government Act 1993*

7.7 Office of Local Government’s Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW

## 8.0 DISPUTE PROCEDURE

- 8.1 In the event of a dispute over any aspect of this policy, immediate action will be taken by the General Manager through effective and constructive consultation between the parties concerned.

## 9.0 REVIEW

- 9.1. This policy will be reviewed within twelve months of each term of a council as per section 252 of the Act.

## HISTORY

|   |   |
|---|---|
| Original Policy   | <b>Councillor Expenses and Facilities Policy (2012)</b> |
| Policy drafted by                                       | Executive   |
| Policy reviewed by Managers' Meeting                    | 18 January 2017   |
| Policy reviewed by Manex                                | 7 February 2017   |
| Council Resolution Number, if applicable                | 17/02/27  |
| Date of Adoption  | 23 February 2017  |
| Review Date   | 23 February 2021  |
| Classification of Policy                                | External  |
| This Policy works in conjunction with these policies    | Gifts and Benefits Policy                               |
| This policy works in conjunction with these procedures: | Nil   |

ELECTRONICALLY SIGNED BY THE GENERAL MANAGER OF MOREE PLAINS SHIRE COUNCIL,  
WHOSE SIGNATURE APPEARS BELOW.

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**LESTER RODGERS**