

# TEMORA SHIRE COUNCIL



TEMORA

*The Friendly Shire*

## Councillor Expenses and Facilities Policy

ACTIVE

**Review Details**

**ABOUT THIS RELEASE**

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## Policy summary

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This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts the council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a council meeting every six months and published in full on the Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

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## Part A – Introduction

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### 1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Temora Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

### 2. Policy objectives

- 2.1. The objectives of this policy are to:
  - enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties.

- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties.
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.
- ensure facilities and expenses provided to Councillors meet community expectations.
- support a diversity of representation.
- fulfil the Council's statutory responsibilities.

### 3. Principles

#### 3.1. Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

## 4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - production of election material
  - use of Council resources and equipment for campaigning
  - use of official Council letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.

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## Part B – Expenses

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### 5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

### 6. Specific expenses

#### **General travel arrangements and expenses**

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
  - for public transport fares
  - for the use of a private vehicle or hire car
  - for parking costs for Council and other meetings
  - for tolls

- by Cabcharge card or equivalent
  - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Council will, wherever possible provide a Council car for the use of Councillors in attending meetings of committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council, outside the Council area.
- 6.4. Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council, at a rate as set out in the Local Government (State) Award.
- 6.5. Councillors seeking to be reimbursed for use of a private vehicle must keep a logbook recording the date, distance and purpose of travel being claimed. Copies of the relevant logbook contents must be provided with the claim.

### **Interstate, overseas and long distance intrastate travel expenses**

- 6.6. Council will not reimburse Councillors for any overseas travel.
- 6.7. Councils should avoid interstate and long-distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.8. Councillors seeking approval for any interstate and long-distance intrastate travel (outside 600-kilometre radius of Temora) must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.9. The case should include:
- Objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
  - Who is to take part in the travel
  - Duration and itinerary of travel
  - A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.10. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.11. Bookings for approved air travel are to be made through the General Manager's office.
- 6.12. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

### **Travel expenses not paid by Council**

- 6.13. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

### **Accommodation and meals**

- 6.14. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.15. Council will provide accommodation, up to a four-star standard, which in a Metropolitan area may cost up to \$380.00 per night and regional centres where costs of up to \$220 per night, and regional areas may cost up to \$180 per night may apply. In all instances the most reasonable rate must be used.
- 6.16. The cost of accommodation does not include parking, breakfast or Wifi.
- 6.17. If no accommodation can be reasonably found within these limits, there must be a written explanation given to the General Manager outlining the circumstances and providing alternative accommodation details.
- 6.18. Council will meet the costs of meals during travel to seminars, meetings, conferences and out of district inspections up to a daily limit of \$135 (with guidelines of \$35 for breakfast, \$35 for lunch and \$65 for dinner). Council will also provide such meals, not included in the registration fees, during the period of the seminar, meeting, and conference and out of district inspection, not included in the registration fees.
- 6.19. Councillors will not be reimbursed for alcoholic beverages. All purchases from the mini bar or similar must be met by the Councillor.

### **Refreshments for council related meetings**

- 6.20. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.21. The cost of meals and refreshments following the monthly Council meeting will be met by the individual Councillor. Such costs will be levied monthly and deducted from the Councillor allowance.

### **Professional development**

- 6.22. Council will set an annual amount in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.23. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.24. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.25. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
  - details of the proposed professional development
  - relevance to Council priorities and business
  - relevance to the exercise of the Councillor's civic duties.



- 6.26. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.25, as well as the cost of the professional development in relation to the remaining budget.

### **Conferences and seminars**

- 6.27. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.28. Council will be represented at the Local Government NSW Conference by the Mayor, Deputy Mayor, General Manager and Councillors (as determined annually by Council). The Council will also be represented at the Annual Roads Conference by the Mayor, or alternative delegate & Engineering Works Manager. Council will be represented at the Country Mayor Association meetings by the Mayor, or alternate delegate and the General Manager. All other conferences and seminars will be with the prior approval of Council; or where insufficient time is available, by the written authority of the Mayor.
- 6.29. Council will provide accommodation, where possible, at the Conference Headquarter Hotel for the Local Government NSW and the Roads Conferences. When attending other conferences, seminars and other functions, the accommodation will be provided at the facility where the function is to be held or at a nearby equivalent quality facility.
- 6.30. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the Councillor's civic duties
  - cost of the conference or seminar in relation to the total remaining budget.
- 6.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.14 - 6.19.
- 6.32. There will be instances when costs will be incurred by a Councillor on behalf of their spouse, partner or accompanying person in the performance of his or her civic duties. An accompanying person would need to have a close personal relationship with the Councillor and/or provide carer support to the Councillor. These civic duties include attendance at official council functions that are of a formal or ceremonial nature, and those at which a Councillor's spouse, partner or accompanying person would reasonably be expected to attend. Such costs are reimbursable to the Councillor.
- 6.33. Council will meet the cost of registration and official conference dinner at the Local Government NSW Conference of the spouse, partner or accompanying person of Council's representatives. Additional travel and accommodation expenses, and the costs of spouses, partner or accompanying person tours within the conference program and all costs outside the program will be the personal responsibility of the individual Councillor.
- 6.34. If a Councillor holds a role on an external body, representing Council or the broader local government community, this policy will extend to these roles. An example of such a role would be a delegate to a Joint Organisation.

### **Information and communications technology (ICT) expenses**

- 6.35. Council will provide each Councillor with an allowance for an internet connection and a portable device to enable them to discharge their functions of civic office. The internet allowance shall be \$50 per month.

### **Special requirement and carer expenses**

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.
- 6.37. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$3,500 per annum for attendance at official business.
- 6.40. Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

### **Home office expenses**

- 6.42. Council will provide each councillor, upon request, home office supplies such as minor items of consumable stationery and printer ink cartridges, as deemed reasonable by the General Manager.

## **7. Insurances**

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Council provides personal accident insurance for Councillors while on Council business.
- 7.3. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.4. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

## **8. Legal assistance**

- 8.1. Council may, if requested, indemnify, or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
  - 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 and the outcome of the legal proceedings is favourable to the Councillor
  - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
  - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
  - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

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## Part C – Facilities

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### 9. General facilities for all Councillors

#### Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- personal protective equipment for use during site visits
  - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or mayor or deputy mayor.
- 9.2. Councillors may book meeting rooms for official business at no cost. Rooms may be booked through the General Manager's office.

- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

### **Stationery**

- 9.4. Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties (Mayor only)
  - business cards
  - up to 50 Christmas or festive cards per year for councillors and 150 for the mayor.

### **Administrative support**

- 9.5. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by administrative staff as arranged by the General Manager or their delegate.
- 9.6. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

## **10. Additional facilities for the Mayor**

- 10.1. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.2. Council provides a mobile phone for use by the Mayor for official telephone calls related to the functions of civic office and meet the costs of official phone calls, with the expected costs of these calls not to exceed \$100 per month.
- 10.3. The Mayor will be reimbursed for fuel costs in accordance with the Mayor's Fuel Procedure.
- 10.4. In performing his or her civic duties, the Mayor will be provided administrative and secretarial support, as determined by the General Manager.
- 10.5. As per section 4, staff are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

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## **Part D – Processes**

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### **11. Approval, payment and reimbursement arrangements**

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business

- carer costs
- 11.4. Claims for reimbursement of out-of-pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor Expense Claim Form, signed and accompanied by the appropriate receipts and/or tax invoices.
- 11.5. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

### **Reimbursement**

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager for authorisation.

### **Advance payment**

- 11.7. Council may pay a cash advance for Councillors attending approved conferences, seminars, or professional development.
- 11.8. The maximum value of a cash advance per day of the conference, seminar or professional development is Sydney \$40/night, other capital city \$30/night and other \$20/night.
- 11.9. Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
  - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

### **Notification**

- 11.11. If a claim is approved, Council will reimburse the Councillor through accounts payable.
- 11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

### **Reimbursement to council**

- 11.13. If council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- Council will invoice the Councillor for the expense
  - the Councillor will reimburse council for that expense within 14 days of the invoice date.
- 11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

### **Timeframe for reimbursement**

- 11.15. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

## 12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

## 13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's Annual Report.

## 14. Publication

- 14.1. This policy will be published on council's website.

## 15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

## 16. Breaches

- 16.1. Suspected breaches of this policy are to be reported to the General Manager.
- 16.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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## **PART E – Appendices**

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### **Appendix I: Related legislation, guidance and policies**

#### **Relevant legislation and guidance:**

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

#### **Related Council policies:**

- Code of Conduct
- Mayor's Fuel Procedure

## Appendix II: Definitions

The following definitions apply throughout this policy.

<b>Term</b>	<b>Definition</b>
<b>accompanying person</b>	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
<b>appropriate refreshments</b>	Means food and beverages, excluding alcohol, provided by council to support Councillors undertaking official business
<b>Act</b>	Means the <i>Local Government Act 1993</i> (NSW)
<b>clause</b>	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
<b>Code of Conduct</b>	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
<b>Councillor</b>	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
<b>General Manager</b>	Means the General Manager of Council and includes their delegate or authorised representative
<b>incidental personal use</b>	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
<b>long distance intrastate travel</b>	Means travel to other parts of NSW of more than three hours duration by private vehicle
<b>maximum limit</b>	Means the maximum limit for an expense or facility provided in the text
<b>NSW</b>	New South Wales
<b>official business</b>	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• meetings of Council and committees of the whole</li> <li>• meetings of committees facilitated by Council</li> <li>• civic receptions hosted or sponsored by Council</li> <li>• meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council</li> </ul>
<b>professional development</b>	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the mayor
<b>Regulation</b>	Means the Local Government (General) Regulation 2005 (NSW)



<b>year</b>	Means the financial year, that is the 12 month period commencing on 1 July each year
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