1 Introduction

This policy aims to establish guidelines for the reimbursement and payment of expenses incurred by Councillors in attending conferences, seminars, training and development and other events relevant to local government. The purpose of this policy is to ensure that there is accountability and transparency in the re-imbursement 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.

1.1 Definitions

The Act
Local Government Act 1993

The Regulation
Local Government (General) Regulation 2005

Expenses
Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a council’s policy and may be either reimbursed to a councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Title of Policy | SMRC 2 – Payment of Expenses and Provision of Facilities for Mayor and Councillors
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Government Information (Public Access) Regulation 2009
Department of Local Government Guidelines
Department of Local Government Circular 09/36
Department of Local Government Circular 04/60
Department of Local Government Circular 05/08
Department of Local Government Circular 07/22
Department of Local Government Circular 11/27
ICAC Publication – No Excuse for Misuse
Aim | To provide guidelines on the payment of expenses and the provision of facilities to the Mayor and Councillors
### Facilities
Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.

### Functions of civic office/civic functions
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 for the local government area.

### LGA
Local Government Area

#### 1.2 Purpose
This policy aims to establish guidelines for the reimbursement and payment of expenses incurred by Councillors in attending conferences, seminars, training and development and other events relevant to local government. The purpose of this policy is to ensure that there is accountability and transparency in the re-imbursement 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.

#### 1.3 Reporting Requirements
Section 248 of the Local Government Act 1993 requires councils to include in their annual report:
- the council’s policy on the provision of facilities for, and the payment of expenses to, mayors and councillors
- the total amount of money expended during the year on providing those facilities and paying those expenses.

Clause 217 of the Local Government (General) Regulation 2005 requires councils to include additional reporting information in their annual reports.

Details of the total cost during the year of the payment of the expenses of and the provision of facilities to, councillors in relation to their civic functions, including separate details on the total cost of the following:

1. the provision during the year of dedicated office equipment allocated to Councillors on a personal basis;
2. telephone calls made by Councillors from phones provided by Council;
3. the attendance of Councillors at conferences and seminars;
4. the training of Councillors and the provision of skill development for Councillors;
5. interstate visits undertaken during the year by Councillors while representing Council;
6. overseas visits undertaken during the year by Councillors while representing Council;
7. the expenses of any spouse, partner or other person who accompanies a Councillor in the performance of his or her civic functions;
8. expenses involved in the provision of care for a child of, or an immediate family member of a Councillor, to allow the Councillor to undertake his or her civic functions.
1.4 Approval Arrangements

Approval for discretionary trips and attendance at conferences and the like should be where possible approved by a full meeting of Council. If this is not possible, then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside Council meetings, it should be given jointly by the Deputy Mayor and the General Manager.

Council appointed delegates have approval to travel outside the Shire only to attend meetings of the applicable Committee.

Prior approval of travel will be required for interstate travel or to undertake Council business if not attending a meeting as a nominated Council delegate. The application for approval shall include full details of the travel, including itinerary, costs and reasons for the travel.

After returning the Councillor or an accompanying member of staff shall provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local Community.

2 General Provisions

a. In recognition of the fact that Councillors incur expenses and require the use of Council facilities for the effective discharge of the functions of Civic office, Council will provide reasonable access to facilities and payment of reasonable expenses.

b. Payment of expenses and provision of facilities shall only be made where it is clearly demonstrated by the claimant Councillor the associated activity is directly related to the discharge of the functions of civic office.

c. The terms of this policy are in addition to the payment of annual fees for Councillors and the Mayor provided in accord with s 248-249 of the Act.

2.1 Payment of Expenses Generally

a. Councillors are bound by the provisions of the Act in relation to obtaining the necessary approvals from Council prior to incurring expenses.

b. The policy applies to the Mayor, Deputy Mayor and all Councillors such that the following expenses will be reimbursed and facilities provided by Snowy Monaro Regional Council.

c. A Council may disburse money only if the disbursement is authorised by the Act 1993 either expressly or because it is supplemental or incidental to or inconsequential upon the exercise of its function.

2.1.1 Allowances and Expenses

Clause 403 of the Local Government (General) Regulation 2005 provides that council must not include in its policy any provision to pay Councillors an allowance in the nature of a general expense allowance. The policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties.

2.1.2 Reimbursement and Reconciliation of Expenses

Reimbursement of costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim form within one month. Expenses and costs incurred must be in accordance with the requirements of Council’s expense policy.
2.1.3 Payment in Advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy. However Councillors must fully reconcile all expenses against the cost of the advance when they return, within one month of their return date.

2.2 Establishment of Monetary Limits and Standards

The Mayor and Councillors may claim a reasonable level of expenses incurred in relation to their civic duties as prescribed within this policy.

The monetary limits are in accordance with the adopted Operational Plan budget and will be reviewed annually.

3 Specific Expenses for Mayors and Councillors

3.1 Mayor

In addition to those facilities provided to the Councillors below, the Mayor is entitled to receive the benefit of:

- use of the Mayoral office;
- allocation of a Council vehicle for official duties;
- a mobile telephone for use in relation to official duties, (if required);
- secretarial services associated with office of the Mayor;
- cost of transport to official functions (if required);
- provision and maintenance of mayoral chain and robes;
- access to Council meeting rooms as provided by the General Manager; and
- catering services as provided by the General Manager

3.2 Councillors

The Councillors, including the Mayor and Deputy Mayor, are to receive the benefit of:

- use of official Council stationery;
- postage of official correspondence – all mail is to be directed through the Council’s own mailing system;
- meals/refreshments prior to Council meetings, Committee meetings and workshops which will not be completed until after 7.30pm;
- cost of transport to official functions (if required) when deputising for the Mayor;
- access to the Council meeting rooms, computer access and photocopier;
- use of an Apple IPad2 or similar for official Council business and specifically for the download and storage of Council Business Papers/Agenda, Minutes and Policies etc;
- minor secretarial services associated with duties of Councillors; and
- access to appropriate training programs for Councilors.

3.3 Private Use of Equipment and Facilities

Council acknowledges that incidental private use of equipment and facilities may occur from time to time and such use is not subject to compensatory payment.
Councillors should not obtain a private benefit from the provisions of equipment and facilities and this includes travel hours that accrue from Council funded travel through “frequent flyer” schemes or any other loyalty programs. Where such benefits accrue, then free flights or other subsidised travel should benefit Council related business travel and that an annual report be submitted to Council by the Mayor on travel bonuses and their intended use.

### 3.4 Return of Equipment and Facilities by Councillors

a. Councillors are required to return all Council issued equipment to Council after the completion of the Councillors term of office or at the cessation of their civic duties.

b. Alternatively, Councillors have an option to purchase council equipment previously allocated to a Councillor at an agreed fair market price or written down value.

### 3.5 Spouses, Partners and Accompanying Persons Expenses

a. Council is prepared to meet reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions within the Shire that are of a formal and ceremonial nature.

b. Council is also prepared to meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Shires Association of NSW annual conference. These expenses are limited to registration and official conference dinner costs.

c. Payment of expenses for the spouse, partner or accompanying person of the Mayor, or a Councillor when they are representing the Mayor will be made when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor outside the Shire but within NSW.

d. An accompanying person is a person who provides carer support to the Councillor.

e. Where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions, then those costs will be reimbursed to the Councillor.

f. Reimbursement of the reasonable costs of spouses, partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying Councillors within the local government area. Examples include Australia Day award ceremonies, Citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the Council.

g. Reimbursement for the payment of expenses for the spouse, partner or accompanying person of the Mayor (or a Councillor when they are representing the Mayor) for attendance at an official function of Council or an official ceremonial duty while accompanying the Mayor outside the local government area, but within the State and ACT, is considered appropriate. Examples include charitable functions to which the Mayor has been invited and award ceremonies and other functions to which the Mayor is invited to represent the Council.

h. Reimbursement of expenses, limited to the cost of registration and the official conference dinner, of spouses, partners or accompanying persons associated with attendance at the Local Government Shires Association’s annual conference is considered appropriate. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc. would be the personal responsibility of individual Councillors.
i. Councillors’ spouse, partner or accompanying person may attend seminars, conferences or the like with Councillors (any event or function outside the Council area, including interstate and overseas), subject to any additional travel, accommodation, partner/accompanying person tours sustenance costs, and the like being met by the individual Councillor concerned by his/her partner (with the exception of attendance at Local Government Shires Association Annual Conferences).

j. The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions, as permitted above, is confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

k. In the event of a Councillor seeking an advanced payment or reimbursement of expenses for attendance at any seminar, conference or the like, a written claim is to be submitted to the General Manager providing appropriate details with official receipts for expenditure. Councillors must fully reconcile all expenses against the cost of the advance within one (1) month of their return.

4 ANNUAL FEES

4.1 Mayor and Councillors

The Councillors are paid an annual fee and, in addition, the Mayor receives an annual allowance. Member’s fees and the Mayoral allowance are set by resolution of Council in accordance with the determination of the Local Government Remuneration Tribunal for the category of Council each year.

5 PAYMENT OF EXPENSES FOR MAYOR AND COUNCILLORS

5.1 Transport

a. In addition to the payment of annual fees in accordance with Sections 248 and 249 of the Act, Councillors are entitled to claim “mileage” allowance for use of private vehicles to drive between their place of residence and the Council Chambers, inspections within the area of the Council undertaken in compliance with a resolution of the Council, meetings which Council has endorsed the Councillor’s membership, civic receptions hosted by Council, or meetings or functions approved by the Mayor or General Manager, and return. “Mileage” rates will be paid at the then current rate set by the appropriate Local Government Industrial Award or equivalent.

b. Travel to meetings will not be reimbursed unless a Councillor is an endorsed member by a Council resolution, has prior Council approval by resolution or has approval of the Mayor and General Manager to attend a meeting or function.

c. Other out of pocket expenses associated with travel by motor vehicle such as parking fees and road toll charges may be claimed, noting that the driver is personally liable for all traffic or parking fines while travelling in private or a Council vehicle on Council Business.

d. Reimbursement is subject to a formal claim being lodged no later than one (3) months after the expense was incurred.

e. Where ever possible, Councillors shall use a Council vehicle when travelling on Council business.
5.2 Conferences and Seminars
   a. Councillors may be nominated to attend conferences, seminars and similar functions by:
      i. The Council, through resolution duly taken, or
      ii. The Mayor and General Manager acting under delegated authorities and subject to budget requirements being adhered to.
   b. In addition, the Mayor may nominate the Deputy Mayor as a substitute attendee for functions within the Council area or the ACT Sub Region, or on those occasions where the Mayor is unable to be in attendance.
   c. Council may also resolve to delegate authority to the Mayor to appoint Councillors to attend specific conferences, seminars or similar functions.

5.2.1 What Conferences and Seminars May be Attended
   The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:
   a. Local Government Shires Annual Conference (State);
   b. Special “one-off” conferences called by Local Government Association on important issues;
   c. NSW Country Mayor’s Association;
   d. Annual conferences and congresses of the major industry associations and professions in local government; and
   e. Seminars which further the training and development efforts of the Council and within the budget framework.

5.2.2 Overseas Travel
   The cost of overseas travel for purposes such as conferences and delegations to Council’s Sister City shall not be met by Council unless Council determines otherwise for specific visits. In extenuating circumstances, any agreement to meet the costs of overseas travel either in whole or in part, shall be specifically resolved by a meeting of Council and subject to a detailed report to Council on all aspects of the trip relevant to Council Business within one (1) month of the completion of the travel.

5.2.3 Registration
   The Council will pay all normal registration costs which are charged by organisations, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

5.3 Expenses Incurred and Reimbursement
   Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:
   a. Travel expenses relate to travel that is on Council business, being to and from the periodical conferences and seminars of local government related organisations (generally as listed above) at which attendance has been approved.
   b. The travel is undertaken with all due expedition, and by the shortest route and the most practicable and economical transport.
c. Only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses.

d. Out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like.

e. Any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid.

f. Telephone costs and expenses – the Mayor, Deputy Mayor and Councillors shall be provided access to office telephones for calls in discharging the function as Councillors. Also the costs of Council related calls will be reimbursed to the value of $50.00 per month for Councillors and $50 per month for the Mayor.

g. At the Councillor’s place of residence, Councillors will have access to an internet connection and email service for council business. Council will pay all reasonable costs associated with the internet connection, email service and the internet service provider fee up to a combined maximum of $50 per month. Council will make available the Councillors email address for general public information.

h. Paper – Council will provide six (6) reams of paper per annum to cover printing expenses.

i. The claim is made not later than one (1) month after the expenses were incurred, and upon an approved claim form, supported by appropriate receipts and tax invoices.

j. Any expenses in relation to Council related business should only be incurred by Councillors in accordance with the provision of this policy. All claims shall be submitted for approval by the General Manager or his delegate, and

5.3.1 Payment in Advance

The Council will normally pay registration fees, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto will be paid to the attendee in advance.

An allowance for estimated “out-of-pocket” expenses may be paid to an attendee in advance upon request.

Any advance payments are subject to a reconciliation statement accompanied by tax invoices/receipts, verification of expenses and the refund of any unexpended amount being submitted within two (2) weeks of the close of the conference, seminar or function. This is the only circumstance in which payment will be made in advance.

5.4 Categories of Payment of Reimbursement

Subject to nomination in accordance with the provisions of Clause 4.4, the categories of payment or reimbursement are as follows:

5.4.1 Travel

a. All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car. However, car travel should not be encouraged for long distance travel.

b. Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle subject to prior approval from the General Manager. Persons using private vehicles will be paid the “mileage” allowance at the then current rate set by the
appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.

c. Costs of vehicle hire parking and toll costs and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by Council.

5.4.2 Accommodation
Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

5.4.3 Out-of-Pocket Expenses
Reasonable out-of-pocket expenses will be reimbursed for costs associated with attending the conference, seminar, meeting or function including meals but excluding expenses of a normal private nature.

5.4.4 Spouse/Partner
All other costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

5.4.5 Expense Allowance
Due to the nature of some travel and, where applicable, a daily allowance may be paid in accordance with the Federal Public Service standard travel and allowance scale applicable from time to time.

5.4.6 Child Care Costs
Councillors will be reimbursed for reasonable child/dependent care costs incurred in attending Council meetings, Committee meetings, workshops, briefing sessions and official site inspections relating to Council’s operations.

Councillors will be reimbursed for expenses associated with child/dependent care paid to providers other than immediate family members, spouse or partner up to 1 hour before and after such meetings (based on advertised commencement times) subject to the production of appropriate documentation/receipts.

The maximum entitlement for reimbursement for each Councillor is $3,000 per annum (July to June).

5.5 INSURANCE - COUNCILLORS
Councillors are to receive the benefit of insurance cover for:

a. Personal injury while on Council business,

b. Professional Indemnity (for matters arising out of councillors’ performance of their civic duties and/or exercise of their council functions)

c. Public Liability insurance (for matters arising out of councillors’ performance of their civic duties and/or exercise of their council functions)

d. Councillors and Officers Liability insurance (for matters arising out of councillors’ performance of their civic duties and/or exercise of their council functions)

e. Council will reimburse any insurance excess payment and loss of no claim bonus or any increase in premium subsequent to an accident to a Councillors private vehicle whilst on official Council business and the accident is not the Councillors fault.
f. Where a Councillor is without transport during repairs to their private vehicle damaged whilst on official Council business, Council will reimburse costs of a hire vehicle or a Council vehicle be made available during the period the repairs are being made. The Councillor will be responsible for all fuel costs incurred during this time.

g. For matters arising out of Councillor’s performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is authorised under the Act, was carried out in good faith and is in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

6 LEGAL ASSISTANCE FOR COUNCILLORS

6.1 Legal Expenses and Assistance

Council will determine by resolution the reimbursement of the reasonable legal expenses of a Councillor:

a. A Councillor defending an action arising from the performance, in good faith, of a function under the Local Government Act; 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 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.

Such payments are recommended for approval in accordance with Department of Local Government Circular No. 05/08 – Legal assistance for Councillors and Council Employees.

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 which a Councillor has done during his or her term of office.
SMRC 2 – Payment of Expenses and Provision of Facilities for Mayor and Councillors

**Documentation**

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**Variation**

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.