

# Policy

## Payment of Expenses and Provision of Facilities for Mayor and Councillors

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<b>Legislation, Australian Standards, Code of Practice</b>	S252 and S253 of the Local Government Act 1993 Section 403 of the Local Government (General) Regulation 2021 SMRC Code of Conduct Gifts and Benefits Policy Office of Local Government (OLG) Guidelines		
<b>Aim</b>	To provide clear limits and processes and ensure accountability and transparency in the payment of expenses and the provision of facilities incurred by councillors when carrying out their civic duties.		

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 OLG guidelines and community expectations. Councillors must not obtain private or political benefit from any expenses or facility provided under this policy.

## 1 Purpose

This policy sets the framework for:

- The provision of adequate and reasonable expenses and facilities to the Mayor, Deputy Mayor and Councillors to enable them to carry out their respective roles under the Act.
- The provision of expenses and facilities to all members of Council's governing body in a manner that is transparent and accountable, and meets the expectations of the local community; and
- Compliance with the relevant legislative requirements for Council to review and adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors.

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

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

## **Annual Fees**

The Mayor and Councillors are to be paid the maximum recommended remuneration as determined by the Remuneration Tribunal.

<https://www.remtribunals.nsw.gov.au/local-government/all-lgrr-determinations>

Under the Local Government Act 1993 (the Act), the Tribunal's role is to determine the categories of councils and mayoral offices in New South Wales, place each council into one of the categories it has determined (at least once every three years), and on an annual basis set the minimum and maximum fees payable to councillors and mayors in each category.

Snowy Monaro Regional Council is currently classified as Regional Rural, Councillors annual fees are set in accordance with this classification and paid monthly in arrears in accordance with the provisions of the Act.

## **Relationship between Annual Fees and Expenses**

Consistent with the provisions of the Section 403 of the Local Government (General) Regulation 2021 and the Tribunal, this policy provides for a level of expense and facility entitlements, informed by, but set independent of, the level of annual fees payable to the Mayor and Councillors.

## **1.2 Legislative and Policy Provisions**

### **Provisions under the Act**

Section 252 of the Act requires Council to adopt or amend a policy for the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors.

Section 253 of the Act specifies actions Council must undertake before its policy concerning Councillors' expenses and facilities can be adopted or amended.

Section 254 of the Act requires that a part of the Council or Committee meeting which considers adoption or amendments of the expenses and facilities policy will be open to the public.

### **Provisions under the Regulation**

Section 403 of the Regulation disallows the payment of a general expense allowance to any Councillor and for a vehicle to be made available for the exclusive use of a Councillor, other than the Mayor.

Councillor must not pay an allowance in the nature of a "general expense allowance", which is unrelated to actual expense incurred and designed to supplement the Councillor's annual fee.

Section 217 of the Regulation requires the SMRC to include detailed information in its Annual Report about the payment of expenses and provision of facilities to Councillors

### **SMRC Code of Conduct**

Under section 439 of the Act, Councillors must act honestly and exercise a reasonable degree of care and diligence in carrying out their functions. SMRC's Code of Conduct outlines the minimum requirements of conduct for council officials carrying out their functions.

This policy is to be read in conjunction with the Code of Conduct, which incorporates the provisions of the Model Code of Conduct for Local Councils in NSW prescribed by the Office of Local Government.

## 2 General Policy Provisions

- 2.1 Payments for expenses and facilities not included in this policy cannot be made by SMRC in accordance with section 252(3) of the Act. All expenses and facilities under this policy will be provided to Councillors for a purpose specific to the functions of holding civic office and are only to be used for Councillors' civic duties.
- 2.2 For the purpose of this policy, functions of civic office, civic duties or Council business may be defined as "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."
- 2.3 Unless otherwise stated in this policy, all requests from Councillors for the provision of services, facilities and claims for the payment or reimbursement of expenses are to be directed to the Executive Office.
- 2.4 Equipment, facilities and other resources supplied to Councillors under this policy will be compatible with and of the same standard as other SMRC equipment and resources.
- 2.6 The services and facilities, as detailed in this policy, are available to Councillors while carrying out the functions of civic office. These services and facilities, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.
- 2.7 Councillors are encouraged to pool or share facilities in order to make the best use of Council resources. Councillors are also encouraged to limit their use of the expenses and facilities provided for in this policy to the minimum required to enable them to effectively and efficiently discharge the functions of their civic office.
- 2.8 All equipment and facilities provided under this policy remain the property of the SMRC. On cessation or expiration of a Councillor's term of office, use of all equipment and facilities must cease immediately. Equipment and facilities must be returned to the SMRC no later than 14 days from the date of cessation or expiration of a Councillor's term of office, or such other time period as may be specified.
- 2.9 Facilities provided to Councillors under this policy are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.
- 2.10 Annual expense limits apply to several categories of expenditure in this policy. All annual expense limits are based on a financial year and, where applicable, may be applied on a pro-rata basis e.g., before or after a local government election, or where the term of office of a Councillor ceases or commences during a financial year.
- 2.11 SMRC's regular monitoring and reporting on capped expenditure will identify whether any Councillor has exceeded an annual expense limit. Councillors who exceed an annual expense limit will be invoiced and must reimburse SMRC in accordance with section 15.15 of this policy.
- 2.12 This policy will apply to any Administrator(s) appointed by the Minister, subject to any necessary modifications.

### 2.1 Private Benefit

- 2.13 Councillors should not obtain private benefit from the provision of equipment and facilities while on Council business. SMRC, however, acknowledges that incidental personal use of Council equipment, facilities and resources may occur from time-to-time. This means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct. Reimbursement to the SMRC is not required for incidental personal use.
- 2.14 Councillors should not obtain any greater private benefit from SMRC equipment, facilities and resources than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of SMRC equipment and facilities does occur, Councillors must advise the Chief Executive Officer in writing and the Councillor will be invoiced for such private use and must reimburse SMRC in accordance with section 15.14 of this policy.

### 3 Payment of Expenses

- 3.1 Expenses may be defined as “payments made by SMRC to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.”
- 3.2 Unless stated otherwise, the expense reimbursement and entitlement provisions (including expenses limits) detailed in this policy apply to the Mayor, Deputy Mayor and all Councillors on a uniform basis.

#### Annual Conference – Local Government NSW

- 3.2 SMRC will meet the following costs of attendance at the annual Local Government NSW Conference (the Conference) by all Councillors nominated as delegates;
- Delegate registration costs
  - The reasonable cost of overnight accommodation
  - The cost of any meals and the reasonable cost of beverages accompanying a meal, where any such meals are not provided as part of the Conference registration fee.
  - The cost of reasonable associated travel (refer relevant provisions of section 9 of this policy)
  - The cost of other reasonable incidentals (e.g. telephone calls, internet, newspapers and parking fees).
- 3.3 Under section 7 of this policy, costs associated with the attendance of spouses, partners or accompanying persons of Councillors at the Conference are limited to the cost of registration and official conference dinners. SMRC will therefore meet the direct cost of spouses, partners or accompanying person’s attendance at the President’s Opening Reception and the Conference Gala Dinner, or the cost of partner registration (which includes tickets to the official Conference reception and dinner).
- 3.4 SMRC will not meet the cost of travel expenses, additional accommodation expenses (in addition to the expenses incurred for the Councillor) and partner tours/activities for any spouses, partners or accompanying persons attending the Conference. These expenses are the responsibility of, and must be paid for personally by, individual Councillors.
- 3.5 Costs associated with the attendance of Councillor delegates at the Conference are not to be included within the annual expense limits applicable to Interstate and Intrastate Conferences in sections 3.10 of this policy.

#### Conferences and seminars

##### Interstate

- 3.6 The annual limit for attending conferences or seminars outside New South Wales including registration, travel, accommodation and meal expenses, is included in the total budget.
- 3.7 Councillors may be nominated to attend conferences, seminars and similar functions by:
- i. The Council, through resolution, or
  - ii. The Mayor or Chief Executive Officer acting under delegated authorities and subject to budget requirements being adhered to.
  - iii. In addition, the Mayor may nominate the Deputy Mayor as a substitute attendee for functions within the Council area or the ACT
  - iv. Council may resolve to delegate authority to the Mayor to appoint Councillors to attend specific conferences, seminars or similar functions.
- 3.8 SMRC will pay expenses, including registration fees, domestic travel, accommodation, meals and reasonable incidental expenses, associated with Councillors attending conferences or seminars outside New South Wales, provided the Councillor’s attendance is approved per section 3.7.

- 3.9 The conference or seminar must be directly relevant to the functions of Council and/or benefit the community/local government area. The request for approval should include details of the travel, including itinerary and costs.

### **Conferences Intrastate**

- 3.10 The annual limit for attending conferences or seminars within New South Wales (including the ACT) is included in the total budget. In addition to this annual expense limit, the standing authority of Council in section 3.2 of this policy allows for the attendance by Council's official delegates at the annual Local Government NSW Conference
- 3.11 SMRC will pay expenses including, but not limited to, registration fees, domestic travel, accommodation, meals and reasonable incidental expenses associated with Councillors attending conferences or seminars within New South Wales (including the ACT). The conference or seminar must be directly relevant to the functions of Council and/or benefit the community/local government area.
- 3.12 Councillors may attend conferences and seminars within New South Wales at SMRCs expense:
- without approval of the Mayor and Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference or seminar does not exceed \$500; or
  - with the prior approval of the Mayor and Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference or seminar exceeds \$500.

### **Overnight Accommodation**

- 3.13 SMRC will pay reasonable costs of overnight accommodation for stays outside the LGA. Expenses are payable for the night of the conference or seminar and the night before and after where necessary. Accommodation is to be at the conference venue, where possible.
- 3.14 SMRC will pay reasonable costs of overnight accommodation where Councillors are expected to travel more than 80km, in each direction, for Council meetings or events that are expected to end after 10pm.
- 3.15 In all other cases, accommodation should be based on best value available and proximity to the conference venue. Preference will be given to accommodation venues providing Government Rates, where available.
- 3.16 These costs are included in the total annual expense limit.

### **Meals**

- 3.17 SMRC will pay for all meals for Councillors attending approved conferences or seminars, where any of those meals are not provided as part of the conference or seminar fee. The SMRC will also pay the reasonable cost of beverages accompanying a meal.
- 3.18 These costs are included in the total annual expense limit as identified above.

### **Council Representation at Non-Council Functions and Other Events**

- 3.19 SMRC will not pay for Councillors attending non-council functions, community, corporate and industry events where Councillor representation would not reasonably be expected.
- 3.20 SMRC will not pay for or reimburse to a Councillor costs associate with attendance at any political fundraising event, and donation to a political party or candidate's electoral fund or for some other private benefit.

## 4 Carer Expenses

4.1 The annual limit of \$3,000 will apply to carer expenses.

### Criteria

- 4.2 A carer is a person who cares for a dependent child or an elderly, disabled and/or sick immediate family member.
- 4.3 Immediate family members include the carer's current partner a child, partner, grandparent or sibling of either the carer or the carer's spouse or domestic partner.
- 4.4 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 4.5 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.
- 4.6 Expenses for alternative carer arrangements, including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, are payable when a Councillor attends:
- Council meetings, standing committee meetings, sub-committee meetings, inspections, formal briefing sessions and civic or ceremonial functions convened by the Mayor or Council.
  - Meetings scheduled by Council or the Mayor
  - Meetings necessary for the Councillor to exercise a delegation given by Council or meetings arising from their official role as chairperson of a standing committee
  - Meetings arising as a result of a Councillor being appointed by Council to an outside body or committee
  - A meeting, function or other official roles as a representation of the Mayor or Council
  - Councillor training, education, professional development approved under this policy
  - Local Government NSW Annual Conference
  - Functions where the payment of carer expenses has been approved by the Chief Executive Officer.

### Fees

- 4.7 Carer expenses may consist of:
- Childcare centre fees
  - Hourly fees
  - Agency booking fees (if claimed)
  - Reasonable traveling expenses (if claimed by the carer)
- 4.8 Fees are payable per hour (or part of an hour) subject to any minimum period which is part of the carer providers usual terms, to a maximum hourly rate approved by the Chief Executive Officer.
- 4.9 Claims for reimbursement of carer expenses must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason cares was needed on each occasion, and submitted on the required claim from.

## 5 Expenses and Facilities for Councillors with Disabilities

- 5.1 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.
- 5.2 For any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their functions of civic office.

## 6 Communications and Mobile Devices

- 6.1 Councillor may seek reimbursement for \$50 per month for their mobile device during a Councillor's term of office, for carrying out their civic duties.
- 6.2 Councillors will be issued with a lap-top or tablet (or similar), including a data sim for access to the internet, at the beginning of their term. For Councillors that return these devices and choose to use their personal device Council will pay all reasonable costs associated with the internet connection, equivalent to the cost of the data sim, and service provider fee to a combined maximum of \$50 per month.
- 6.3 Council will make available the Councillors SMRC email address for general public information.
- 6.4 Reimbursement of costs will only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim form within one months.

## 7 Spouses, Partners and Accompanying Persons Expenses

- 7.1 The cost of a spouse, partner or accompanying person attending official Councils functions of a formal and ceremonial nature is appropriate when accompanying a Councillor:
- within the local government area;
  - at the annual conference of Local Government NSW with costs limited to the cost of registration and official conference dinners as per section 3.3 of this policy.
- 7.2 Official functions include, but are not limited to, Australia Day ceremonies, civic receptions and functions formally supported by Council.
- 7.3 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.
- 7.4 Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc. are the personal responsibility of the individual Councillor.

## 8 Training, Educational and Professional Development

- 8.1 Training will be provided in accordance with Council's policy 'Councillor Training'.
- 8.2 SMRC will include an amount in its annual budget for training and development courses, education and professional body membership expenses that are directly related to Councillors' civic functions and responsibilities.
- 8.3 Council may also agree to allocate additional funding in specific cases where it decides there is a benefit to Council from Councillors' attendance or membership. The budget allocation is for all Councillors and the Chief Executive Officer will ensure that access to training and education courses and expenses relating to professional body membership is distributed equitably.

## 9 Travel

### General

- 9.1 All travel arrangements (excluding local travel, within the LGA) must be made through the Executive Office and must not be made by Councillors unless prior approval has been provided in accordance with this policy.
- 9.2 All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport.

- 9.3 Where possible, Councillors shall use a Council vehicle when travelling on Council business.
- 9.4 Councillors are responsible for ensuring that they maintain all supporting documentation for travel expenses, as required under this policy.
- 9.5 Councillors are not to seek or accept loyalty or frequent flyer points from organisations such as airlines, hire car companies or hotels in respect of transport and accommodation costs associated with travel approved in accordance with this policy.

### **Travel Local**

- 9.6 Councillors using their private vehicles to travel to and from meetings of Council, Committees of Council, and to carry out their other Council functions, may be reimbursed according to the rates prescribed by the Australian Tax Office. All references to private vehicles also include car share and rental vehicle use.
- 9.7 A record of private vehicle use must be maintained by the Councillor and submitted on a monthly basis using the provided reimbursement form. The record shall contain details of the Council business for which the travel was undertaken, dates, destinations, number of kilometres and any tolls, for which receipts must be provided.
- 9.8 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or SMRC vehicles on Council business.

### **Travel Overseas**

- 9.9 The cost of overseas travel for purposes such as conferences and delegations for sister city (or similar) arrangements shall not be met by Council unless Council determines otherwise. Any agreement to meet the cost of overseas travel whether in whole or in part, a list of associated cost and anticipated expenses must be included in a report to Council and approved by resolution of the Council prior to the trip.

### **Class of Air Travel**

- 9.10 Unless otherwise specified in a resolution of Council, the class of international air travel to be used by the Mayor or delegated Councillor is to be economy.
- 9.11 In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been taken.

### **Report on Attendance**

- 9.12 A report or relevant material must be prepared for circulation to the Council and review by the public within six months of the travel undertaken.

## **10 Insurance**

- 10.1 Councillors are covered under the following SMRC insurance policies on a 24 hours basis while discharging the duties of civic office, including attendance at meetings and external bodies as Council representatives:
  - 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.

## 11 Legal costs

- 11.1 In particular circumstances outlined below, SMRC may indemnify or reimburse the reasonable legal expenses of a Councillor for:
- a. Defending an action arising from the performance, in good faith, of a function under the Local Government Act
  - b. 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
  - c. An inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body, including:
    - NSW Civil and Administrative Tribunal
    - Independent Commission Against Corruption
    - Office of the NSW Ombudsman
    - Office of Local Government
    - NSW Police Force
    - Director of Public Prosecutions
    - Council's Code of Conduct reviewer – only where a matter has been referred by the Chief Executive Officer in accordance with the Code of Conduct.
- 11.2 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of their function under the Act, should be distinguished from expenses incurred in relation to proceedings arising merely from something which a Councillor has done during their term.
- 11.3 SMRC will not meet legal expenses of legal proceedings initiated by a Councillor under any circumstance.

## 12 Provision of Facilities

- 12.1 Facilities may be defined as "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".
- 12.2 Unless stated otherwise, the facilities, equipment, administrative and other support services detailed in this policy are to be made available to the Mayor, Deputy Mayor and all Councillors on a uniform basis.
- 12.3 Specific additional facilities, equipment, administrative and other support services for the Mayor and Deputy Mayor are detailed in section 13 and 14.
- 12.4 As detailed in this policy, Councillors must only use Council facilities, equipment and services in accordance with the Code of Conduct.

### Administrative and Other Support Services

- 12.5 The Mayor and Councillors will be provided with basic administrative and other support services through the Executive Office.

Office Equipment

- 12.6 Councillors will be provided with a lap-top or tablet (or similar) for use at their home, non-Council workplace and office. The device will include a data sim (at a rate of approximately \$25/month) for access to the internet and may be subject to data cost variation.
- 12.7 Usage of the equipment is subject to SMRC policy (including internet and /records) and is to only be used in the execution of the Councillors civic duties.
- 12.8 Training in the use of the equipment and systems provided by SMRC will be provided by staff at the expense of SMRC.
- 12.9 Other equipment available through the Executive Office includes the following:
- Access to a multi-function device for printing, scanning, copying and faxing
  - Paper shredder/ secure disposal facilities
  - Day to day stationary and other minor office equipment.
- 12.10 Councillors may request six reams of paper (per annum) to cover printing.
- 12.11 The annual budget for printing and photocopying is included.

### **Building Access and Parking**

- 12.13 Each Councillor will receive one security card, allowing them 24 hour access to the Cooma office building. Access to the Berridale, Bombala and Jindabyne buildings will made by appointment through the Executive Office.
- 12.14 The Mayor and Councillors (when not in use by the Mayor), are entitled to use the Mayor's Office in the Cooma and Bombala offices. Use of an office space in Berridale and Jindabyne will be by appointment through the Executive Office.

### **Other Venues**

- 12.15 Meeting rooms in other SMRC venues, such as the Library, community centres and halls, may be booked at no cost for meetings, subject to availability, in the exercise of the Councillor's civic duty.
- 12.16 Booking requests for these venues are to be made through the Executive Office, who will seek the approval of the Chief Executive Officer and the Mayor.
- 12.17 All Councillors are to be invited to meetings held in other SMRC venues.

### **Conditions of Usage**

- 12.18 Room or venue bookings which may be perceived to be of a political nature or not related to the Councillor's civic duties will not be approved for free use. Where applicable, room or venue usage in those circumstances would be charged at the current community rate.
- 12.19 Costs for catering, audio visual equipment, where no equipment is available, or other meeting requirements are to be met by the Councillor.

### **Name badge**

- 12.20 Each Councillor is entitled to two standard name badges.

### **Phone**

- 12.21 The Mayor, Deputy Mayor and Councillors will have access to office telephones to carry out their civic duties.

## Stationery

- 12.22 Councillors will be supplied with corporate standard Council stationery, note paper, envelopes (including postage), business cards and diaries.
- 12.23 Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of civic office
- 12.24 All mail is to be directed through Council's own mailing system.

## Refreshments for Council Related Meetings

- 12.25 Food and beverages will be available for Council meetings, standing committee and sub-committee meetings and councillor briefings, approved meetings and arrangements, and official council functions as approved by the Chief Executive Officer and Mayor.

## 13 Additional Facilities for the Mayor

- 13.1 This policy recognises the additional authorities and functions exercised by the Mayor, in accordance with the Act (section 226) and Council's adopted delegations to the Mayor.
- 13.2 Council will provide the Mayor with an office, in the Cooma office building and access to administrative support, through the Executive Office, to support the Mayor in carrying out these authorities and functions.
- 13.3 Other facilities include:
- Allocation of a Council vehicle, including a fuel card, to assist with civic duties. This vehicle is maintained and replaced in accordance with SMRC policy 'Motor Vehicle Lease Back and Private Use'.
  - Mobile phone
  - Provision of a corporate credit card
  - Parking Space at the Cooma office
  - Access to meeting rooms
- 13.4 The office of the Mayor is not to be used to provide services or facilities of any other purpose.
- 13.5 Resources utilised and expenditure incurred by the Mayor must be in accordance with relevant financial delegations and in consultation with the Chief Executive Officer.
- 13.6 Expenses reimbursed and facilities made available to the Mayor in accordance with the other provisions of this policy will be funded from the overall budget allocation for the provision of expenses and facilities to councillors and be subject to the limits specified in this policy (appendix 1).

## 14 Additional facilities for the Deputy Mayor

- 14.1 The Deputy Mayor may utilise the Mayor's office, when not in use, and access to administrative support.

## 15 Payment and Reimbursement

- 15.1 Expenses and facilities provided for in the policy can be paid by:
- SMRC directly
  - Reimbursement
  - Advanced payment (in exceptional circumstances e.g. overseas travel)

- 15.2 All payments by SMRC under this policy will be made in accordance with existing SMRC financial delegations, policies and procedures applicable to the particular payment method used (i.e. Purchase order, corporate credit card, payment requests.)
- 15.3 The payment method used for particular expenses and facilities may vary depending on the cost involved in the particular expenses or facility, payment deadline, staff availability and expediency.

### **Assessment and Approval of Payment and Reimbursement**

- 15.4 Claims for payment or reimbursement of expenses and the provision of facilities under this policy will be assessed/approved by the Chief Executive Officer (or their delegate) and the Mayor.
- 15.5 If a claim is refused, SMRC will inform the Councillor that the claim has been refused and the reasoning.

### **Process for Direct Payment and Reimbursement of Expenses**

- 15.6 Wherever possible and practicable, SMRC will directly pay for Councillors' expenses and provide facilities, equipment and other resources up to the relevant annual expenses limit or standard specified in this policy.
- 15.7 If sought by a Councillor, SMRC will pay or reimburse expenses incurred by a Councillor in carrying out the functions of civic office. Claims for payment or reimbursement of expenses by SMRC must be made using the appropriate form and provide sufficient supporting information to allow assessment of the claim.
- 15.8 Where direct payment by SMRC of an expense is sought by a Councillor, pre-approval under this policy must be obtained prior to the expense being incurred.
- 15.9 Councillors are responsible for providing original receipts and completing any other required documentation in support of claims for payment or reimbursement of an expense by SMRC under this policy.
- 15.10 Unless otherwise stated in this policy, claims for reimbursement of expenses incurred by a Councillor must be lodged within two months of the date of the cost being incurred, or issue date of a periodic statement or billing summary detailing the expenditure incurred by the Councillor.
- 15.11 If a claim is lodged after the time period provided in section 15.10 it may be refused. Requests for reimbursement outside of this time limit may be accepted in exceptional circumstances, subject to the approval of the Chief Executive Officer and Mayor.

### **Payment in Advance**

- 15.12 Councillors seeking payment in advance for the cost of any expenses provided for in this policy that they anticipate will be incurred in the course of undertaking their civic duties must provide sufficient supporting information to allow assessment of the request.
- 15.13 If a Councillor receives an advance payment from SMRC, the Councillor must, within one month of receiving such a payment, provide to SMRC:
- i. a full reconciliation of all expenses, including receipts; and
  - ii. a reimbursement of any amount of the cash advance that was not expended

### **Reimbursement to SMRC**

- 15.14 For expenses that are later billed directly to the SMRC, such as mobile phones and internet, Councillors are required to review the relevant bill, confirm those expenses that were incurred in carrying out their Council duties and declare any private usage.
- 15.15 If SMRC has incurred any other expense on behalf of a Councillor that exceeds an annual expense limit as detailed in this policy, or exceeds reasonable incidental private use (as

declared by the councillor in writing or determined by the Chief Executive Officer or their delegate):

- SMRC will invoice the Councillor for the amount by which the annual expense limit for a category has been exceeded, plus GST, for the actual costs incurred by the Councillor for private benefits where these can be ascertained, or at market value; and
- The Councillor will reimburse the SMRC for that expense as per the invoice amount and payment terms.

### **Return of Equipment and Facilities by Councillors**

- 15.16 Councillors are required to return all Council issued equipment to Council, no later than 14 days after the completion of the Councillors term of office or at the cessation of their civic duties.
- 15.17 Alternatively, Councillors have an option to purchase council equipment previously allocated to a Councillor at an agreed fair market price or written down value.

### **Dispute Resolution Procedure**

- 15.18 In the event of a dispute regarding the reimbursement of expenses or the provision of facilities under this policy, the Mayor or a Councillor may, by written request to the Chief Executive Officer, request the review and determination of the dispute matter by the Chief Executive Officer or their nominated delegate.
- 15.19 If any matter remains in dispute, or the review parties (as detailed above) are unable to determine the matter, the disputed matter may be referred to a meeting of the Council.

## **16 Accountability and Transparency**

- 16.1 The Governance section is responsible for the oversight of the policy to ensure probity is maintained.

### **Budget Oversight and Financial Accountability**

- 16.2 The Chief Executive Office maintains the budget and the following internal controls:
- Hierarchical approval requirements for all claims for expenses reimbursement and the provision of facilities
  - Regular management reporting for budget and expenditure review.
  - Annual operating budget development and approval.

### **Statutory Reporting Requirements**

- 16.3 Under the Act and Regulation, SMRC is required to include specific information in its Annual Report about the payment of expenses and facilities to Councillors in relation to their civic function.
- 16.4 A statement of the total amount expended on the provision of facilities and the total cost of particular categories of expenses and facilities as detailed in section 217 the Local Government (General) Regulation, are included in SMRCs annual report, and includes the following:

#### **General**

- The total cost of expenses and the provision of facilities for the Mayor and Councillors
- Details, including the purpose, of overseas visits taken during the year while representing Council.

#### **Expenses**

- Dedicated office equipment allocated to Councillors on a personal basis such as laptop computers, mobile phones/telephones and facsimile machines and internet installed in the Councillors' homes (including line rental and internet access). This item does not include the cost of using this equipment, such as calls.

- Telephone calls made by Councillors including calls from mobile phones provided by Council
- The attendance of Councillors at conferences and seminars
- The provision of induction training and professional development programs for Mayors and other Councillors
- Other training and skills development
- Interstate visits undertaken during the year
- Overseas visits undertaken during the year
- The expenses of any spouse, partner or other person who accompanied a Councillor in the performance of his or her civic function.
- Expenses involved in the provision of care

## 17 Definitions

The Act	Local Government Act 1993
The Regulation	Local Government (General) Regulation 2021
Expenses	Payment 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 necessary expense to enable them to perform their civic functions/ expenses are separate and additional to annual fees.
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

## 18 Related Documents

This procedure should be read in conjunction with the following documents:

### Documentation

250.2016.1.4	Code of Conduct
250.2016.83.3	Gifts and Benefits Policy
250.2016.0.1	Claims Reimbursement form
250.2016.174.2	Motor Vehicle Leaseback and Private Use Policy
250.2017.405.1	Councillor Training Policy

### Variation

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

## Appendix 1

### 2022-23 Budget

<b>Expense</b>	<b>Maximum amount \$</b>	<b>Frequency</b>
Travel related costs (including Interstate and overseas travel and accommodation )	10,300	Per year
Training	10,000	Per year
Conferences expenses	25,500	Per year
Telephone and internet charges	7,210	Per year
Carer expenses	3,000	Per year
Printing and photocopying	206	Per month
Stationary and office consumables	515	Per year
Food & catering	5,150	Per year
Plant hire	12,360	Per year

<b>Facilities</b>	<b>Maximum amount \$</b>	<b>Frequency</b>
Plant hire	16,320	Per year
<b>IT Equipment</b>		
Laptop plus 4G sim x 11	30,976	Council term
Mobile Phone (Mayor)	2,300	Council term