



Policy:

**Councillor Expenses
and Facilities**

2019

INFORMATION ABOUT THIS DOCUMENT

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E2019/40814	04/06/2019	Adopted after exhibition - no submissions received

Further Document Information and Relationships

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

Related Legislation*	Local Government Act 1993 Sections 23a 252, 253 254 Local Government (General) Regulation 2005 DLG Guidelines Circular 08/24 Misuse of council resources DLG Guidelines Circular 08/37 Council decision making prior to ordinary elections DLG Guidelines Circular No. 09/36 Release of Revised Councillor Expenses and Facilities Guidelines www.olg.nsw.gov.au ICAC Publication "No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)" November 2002 www.icac.nsw.gov.au OLG Circular 17-17 Councillor Expenses and Facilities Policy – Better Practice Template
Related Policies	Model Code of Conduct https://www.byron.nsw.gov.au/Council/Your-right-to-Council-information/Policies-publications
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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POLICY SUMMARY

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 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 and detailed at **Annexure D**. The annexure may be updated each budget cycle as per Council’s adopted budget. If there are material changes, it will be represented to Council for adoption. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount (either total allocation or per councillor)	Frequency
General travel expenses	\$17,700 – total	Annual
Accommodation and meals	As required – refer to Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 as a guide	
Professional development	\$10,000 – total	Annual
Conferences and seminars	\$ 31,500 – total	Annual
ICT equipment and consumables	\$3,700/councillor (year 1 of term) \$2,000/councillor year 2 of term) \$2,000/councillor year 3 of term) \$1,000/councillor (year 4 of term)	Annual
ICT support services	\$2000 – total	Annual
Telephone (fixed line/mobile)	\$235 (Mayor) \$200 (Councillors)	Monthly
Access to facilities in Councillor room	Provided to all councillors	
Council vehicle and fuel card	Provided to the Mayor	
Furnished office and meeting space	Provided to the Mayor	
Support staff	Provided to all councillors	

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

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 council’s website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

PART A – INTRODUCTION

1. Introduction

- 1.1. Under the Local Government Act 1993 (Section 252 to 254), requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.
- 1.2. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Byron Shire Council.
- 1.3. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.4. 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.
- 1.5. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this Policy.
- 1.6. 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.
- 1.7. Section 428(2)(f) of the Act requires a council to include in its Annual Report:
 - Total amount of money expended during the year on providing those facilities and paying those expenses.
 - Council's Policy on the provision of facilities for, and the payment of expenses to Councillors.
 - The payment of Councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses.
- 1.8. This Policy should be read in conjunction with Council's Code of Conduct, in particular, Part 6 – Personal Benefit, and Part 8 – Access to Information and Council Resources, DLG Circular 08/24 – Misuse of Council resources and DLG Circular 08/37 – Council decision making prior to ordinary elections.

2. Policy Objectives

The objectives of this Policy are to:

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

3. Principles

Council commits to the following principles:

- 3.1. **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions

- 3.2. **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
- 3.3. **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- 3.4. **Equity:** there must be equitable access to expenses and facilities for all Councillors
- 3.5. **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- 3.6. **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 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.

PART B – EXPENSES

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. Councillors should utilise the most direct route from their place of residence or employment and the most practicable and economical mode of transport.
- 6.2. Councillors are entitled to allowance for travel expenses, as allocated in the annual budget, incurred while undertaking official business, professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - For public transport fares
 - For the use of a private vehicle (subject to the Councillor's private vehicle being currently registered and covered by Compulsory Third Party Insurance) or hire car.
 - a) Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
 - b) Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.
 - c) All vehicle allowance claims to be made in accordance with the Claims Procedure at Section 11.
 - 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. Travel expenses are reimbursed for attendance at:
 - Council, Committee or Sub-Committee meetings and appointments at the Council Chambers, Council's Training Rooms, Depots and Halls/Community Centres for Council business;
 - inspections within the Council's area undertaken in compliance with a resolution of the Council if for good reason they are unable to use transport when provided by Council;
 - public meetings convened by the Council;
 - individual or personal inspections of any site within Council's area listed on the current Council Meeting Agenda, if for good reason they are unable to use transport when provided by the Council;
 - periodical conferences, seminars and training as stated in Clause 6.32.
 - Council Regional Committee or Sub-Committee meetings.
 - any other official Council events, functions, meeting and public information sessions.

Interstate, overseas and long distance intrastate travel expenses

- 6.4. Given Council's location near an interstate border, travel to Queensland will be considered as general travel. Arrangements and expenses for this travel will be governed by Clauses 6.1-6.3.
- 6.5. In accordance with clause 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas 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.
- 6.6. Total interstate, overseas and long distance intrastate travel expenses for all Councillors is to be deducted from the travel allowance, as allocated in the annual budget.
- 6.7. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval via a Council resolution 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. Where trains are used, the Council will provide first class travel, including a sleeping berth where necessary.
- 6.11. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14. Bookings for approved air travel are to be made through the General Manager's office.
- 6.15. 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

- 6.16. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.
- 6.17. Any time occupied or travel incurred, other than Council business, is not included in the calculation of expenses to be paid.
- 6.18. Council will not reimburse any travel claim made later than three months after the expenses were incurred, or without an official receipt for payments.

Accommodation and meals

- 6.19. 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.

- 6.20. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Northern Rivers.
- 6.21. The daily limits for accommodation and meal expenses within Australia are to be reasonable and at the discretion of the General Manager. As a guide, Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, can be referred to.
- 6.22. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.19.
- 6.23. Councillors will not be reimbursed for alcoholic beverages or expenses of a normal private nature.

Refreshments for Council related meetings

- 6.24. 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.

Professional development

- 6.25. Council will allocate funds annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.26. 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.
- 6.27. 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.
- 6.28. 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.
- 6.29. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.28, as well as the cost of the professional development in relation to the Councillor's remaining annual budget.

Conferences, seminars, workshops and functions

- 6.30. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.31. The conferences, seminars, workshops and functions to which this Policy applies shall generally be confined to:
 - Local Government NSW Annual Conference and National General Assembly
 - Special "one-off" conferences called or sponsored by or for LGNSW on important issues;
 - Annual conferences and congresses of the major professions in local government;
 - Australian Sister Cities Conferences;
 - Regional Organisation of Councils Conferences

- Conferences, seminars, workshops and functions, within the annual budget, which advance the professional development of elected members in their role as Councillors and/or fulfil their obligations as a civic leader.
 - Any meetings or conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to be, a delegate or member of the Council or LGNSW.
- 6.32. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences endorsed by Council or approved by the General Manager.
- Registration includes the costs (charged by organisers) 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. Council will also meet the reasonable cost of meals when they are not included in the conference fees (refer to clause 6.19-6.23 Accommodation and Meals).
 - Reasonable out of pocket expenses associated with attending conferences, seminars, workshops and functions can be claimed up to a maximum of \$100 per day.
 - a) Out of pocket expenses for which amounts are claimed relate only to the verified (tax invoice) costs of meals, travel, registration fees, stationery and the like;
- 6.33. Council will set aside budget annually to facilitate Councillor attendance at conferences, seminars, workshops and functions. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to these events is distributed equitably.

Payment of expenses for spouse/partner or accompanying person at conferences and official Council functions

- 6.34. Payment of expenses for spouse/partner or accompanying person at conferences and official Council functions are to be borne by the Councillor.
- 6.35. Payment of expenses related to the spouse/partner's ticket, meal or the direct cost of attending the function, are able to be reimbursed for the below only:
- the Local Government NSW Annual Conference dinner
 - official council functions that are of a formal and ceremonial nature within the Byron Shire. (For example Australia Day award ceremonies, civic receptions and charitable functions or events formally supported by the Council.
 - official council functions that are of a formal and ceremonial nature (only when accompanying the Mayor or a Councillor who is representing the Mayor) outside the Local Government area, but within the State or South East Queensland.

Guidelines for Authorisation to attend conferences, seminars, workshops and functions

- 6.36. A resolution of Council is required to authorise attendance of Councillors at:
- LGNSW Conference(s) as a voting delegate
 - National General Assembly of Local Government as a voting delegate
 - Overseas conferences
 - Any other discretionary conference, seminar, workshop or function.

- 6.37. The General Manager and Mayor may jointly authorise Councillors' attendance at any discretionary conference, seminar, workshop or function that is not able to be authorised at a Council meeting, provided it is one conference, seminar or similar function per Councillor per financial year provided the conference is held in NSW, the ACT or South East Queensland and the Councillor has not attended a previous conference that year.

If the Mayor requires approval to attend a conference, seminar, workshop or function not able to be authorised at a Council meeting the Deputy Mayor and General Manager jointly may authorise the Mayor's attendance.

- 6.38. The General Manager may approve the Mayor and Councillors' attendance at conference, seminar, workshop or function held in the local area up to the value as per Annexure D.
- 6.39. In assessing a Councillor request, the Council or 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 event in relation to the total remaining budget.

- 6.40. Procedures for attendance:

- Staff will prepare a report to Council inviting nominations to attend the following conferences:
 - a) Local Government NSW Annual Conference
 - b) National General Assembly of Local Government
- Submission of motions to the Local Government NSW Annual Conference and National General Assembly for consideration by Council will be done by notice of motion, which can be considered during the year.
- Staff will remind Councillors of the opportunity to submit motions for these conferences in May in the case of the National General Assembly of Local Government and in August in the case of the LGNSW Annual Conference.
- All other conference, seminar, workshop or function attendance requiring Council resolution will be submitted as a notice of motion by a Councillor wishing to attend, in accordance with Council's normal procedures for such notices of motion. Councillors other than the Councillor who submitted the notice of motion may be authorised to attend by Council.

Reporting requirements following attendance at conference, seminar, workshop or function

- 6.41. The Mayor and Councillors are required to report in writing a Delegate's Report to an Ordinary Meeting of Council on the aspects of the conference, seminar, workshop or function relevant to Council business and or the local community. The report must be submitted to the General Manager within one month of the Councillor's or Mayor's attendance at the conference, seminar, workshop or function.

Information and communications technology (ICT) expenses

- 6.42. Council will provide Councillors with a tablet at the commencement of their term in order to undertake their civic duties such as receiving and reading Council business papers and diary and appointment management.

6.43. Council will provide or reimburse Councillors for expenses associated with appropriate ICT devices and services. This may include mobile phones and laptops (tablet device provided by Council); mobile phone, laptop and tablet services and data; and home internet costs. The maximum limit for devices and services per annum for each Councillor:

6.43.1. Fixed landline and Mobile charges for: voice calls, data services, telephone/mobile line/handset rental:

- a) Mayor – maximum as per Annexure D
- b) Councillor – maximum as per Annexure D
- c) Councillors can choose to have either: a mobile number, or landline number, or their official email address made public as their means of contact.

6.43.2. Computer hardware (including laptops, tablets and smartphones), printer, software, line installation and services

- a) maximum as per Annexure D (per Mayor/Councillor) in the first year only for term of office, for initial purchase of equipment, software licenses/applications, consumables, protective covers or carry case for equipment and line installation (including one additional extension point for an existing phone line or one separate point for a dedicated line) as deemed necessary for business paper distribution, to work with documents supplied by Council and for communications.
- b) maximum as per Annexure D (per Mayor/Councillor) over the second and third years of office, for purchase of equipment, software licenses/applications, consumables and protective covers or carrycase for equipment and maintenance and servicing costs for line equipment for the purposes stated in a) above;
- c) maximum as per Annexure D (per Mayor/Councillor) in the fourth year of office per annum for consumables and protective covers or carry case for equipment purchased, or maintenance and servicing costs for line equipment for the purpose stated in a) above.
- d) maximum of as per Annexure D (total for all Councillors including Mayor) per annum for computer/tablet/printer backup support, repairs, and training services provided by hardware supplier/local providers.
- e) The fax number, if fax machine is purchased, is to be provided to the public.

6.44. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:

- receiving and reading Council business papers
- relevant phone calls and correspondence
- diary and appointment management.

Special requirement and carer expenses

6.45. 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.

6.46. Transportation provisions outlined in this Policy will also assist Councillors who may be unable to drive a vehicle.

- 6.47. 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.
- 6.48. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to an amount established per annum in the annual budget for attendance at essential official business, plus reasonable travel from the principal place of residence. The affected Councillor will make a separate application in each instance, for determination by the General Manager.
- 6.49. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative , A 'relative' is defined as a spouse, defacto partners, parent, son, daughter, brother, sister or grandparent..
- 6.50. 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.
- 6.51. After approval, Council will reimburse actual expenses incurred by Councillors upon submission of a claim (in line with the Claims Procedure at Clause 11.7) supported by receipts and details of the activity attended.

Councillor Assistance Program

- 6.52. Council has a duty of care for the mental health and wellbeing of its employees and Councillors. Council will reimburse the cost of up to five sessions with a registered psychologist for each Councillor per calendar year.

Fitness Passport

- 6.53. Councillors are entitled to become members of Council's Fitness Passport Program.
- 6.54. Councillor's membership to the Fitness Passport Program is only valid for the duration of their term of Council.

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.
 - Professional Indemnity - insurance applies in relation to claims arising out of the Councillors' (alleged) negligent performance of civic duties or exercise of their functions as Councillors, provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper. This is subject to any limitations or conditions set out in the policy of insurance that is taken out at the direction of Council. No benefit, irrespective of insurance cover, is provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.
 - Public Liability - insurance applies in relation to claims arising out of the Councillors' (alleged) negligent performance of civic duties or exercise of their functions as Councillors. This is subject to any limitations or conditions set out in the policy of insurance that is taken out at the direction of Council. No benefit, irrespective of insurance cover, is provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.
- 7.2. 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.
- 7.3. Personal Injury - or death whilst on Council business, worldwide, covering bodily injury caused by accidental, violent, external and visible means. There is a sub-limit for death of 5 x annual salary (up to \$1 million) with a minimum benefit of \$500,000. Personal injury insurance also provides specified benefits for lost income and other expenses arising from permanent disablement, temporary total disability and temporary partial disability. Cover includes unlimited medical expenses incurred overseas as well as emergency evacuation on business travel.
- 7.4. Statutory Liability- provides protection against fines or penalties arising out of breaches of Acts together with the legal costs incurred in defending Council as an entity, including Councillors and officers, so long as the act was not wilfully committed. Cover extends to costs incurred before an individual is named in proceedings. Thereafter costs are dealt with under Councillor and Officers Liability.
- 7.5. Councillors' and Officers' Liability (including Employment Practices Liability) - applies to cover expenses incurred by Councillors and Officers in respect of claims made against them for any alleged wrongful acts arising out of their official capacities.
- 7.6. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.7. Appropriate travel insurances with cover for business property and private baggage will be provided for any Councillors travelling on approved travel beyond 50kms of Council offices or residence including while on overseas travel on Council business. A number of restrictions and sub-limits apply.

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 s731 of 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.
Investigative or review bodies may include:
 - a) NSW Civil and Administrative Tribunal
 - b) Independent Commission Against Corruption
 - c) Office of the NSW Ombudsman
 - d) Office of Local Government
 - e) NSW Police Force
 - f) Director of Public Prosecutions
 - g) Council's Conduct Review Committee/Reviewer
 - 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.

- Notwithstanding clause 8.1.4., legal costs will not be made available to a Councillor regarding a code of conduct complaint alleging pecuniary interest or misbehaviour, unless the Office of Local Government has commenced a formal investigation and the formal investigation makes a finding favourable to the Councillor
- 8.2. 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.
- 8.3. 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.
- 8.4. 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.

PART C – FACILITIES

9. General facilities for all Councillors

Facilities

9.1. Council will provide the following facilities to the Mayor and Councillors to assist them to effectively discharge their civic duties:

- a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments.
- access to shared car parking spaces while attending Council offices on official business.
- 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.
- An email address - Councillor emails are to be in the format:

firstname.lastname@cr.byron.nsw.gov.au

Council's IT department will arrange the setup of this domain.

- Up to a four drawer filing cabinet and associated equipment to be used in place of residence.
- Postage of hardcopy official correspondence - all hardcopy mail is to be directed through the Council's own mailing system. Reimbursement of expenses will only be made where expenses can be verified as use to support a Councillor's civic duties.
- Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the General Manager/Mayor's assistant or Councillor Support staff.

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

Stationery

9.3. Council will provide the following stationery to Councillors each year or as required:

- 9.3.1. letterhead, to be used only for correspondence associated with civic duties
- 9.3.2. business cards using Council's standard template and Logo

Administrative support

9.4. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by Councillor Support staff as arranged by the General Manager or their delegate. Support will be in the form of:

- Publishing Council information, including business papers, memos and workshop presentations which is accessible to Councillors electronically via a web or tablet application
- Coordination of the shared Councillors' Diary
- Conference registration

- Expense reimbursement
- Catering for Council meetings and workshops
- Provision of stationery as per 9.3

9.5. 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 to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and reasonable personal use.
- 10.2. The vehicle is returned to Council after completion of his/her term of office, extended leave of absence or at the cessation of his/her civic duties.
- 10.3. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle.
- 10.4. Council will provide the Mayor with a furnished office incorporating a computer, telephone and meeting space.
- 10.5. In performing his or her civic duties, the Mayor will be assisted by Council staff providing administrative support, as determined by the General Manager.
- 10.6. Provision of a MasterCard with Council's preferred banking institution to the value of \$5,000 (see Claims Procedure at Clause 11.7) Note: All expenditure on the credit card must be in accordance with the provisions of the Policy and is not for private use.

PART D – PROCESSES

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. A general expense allowance will not be paid to Councillors.
- 11.3. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.4. Final approval for payments made under this Policy will be granted by the General Manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to Councillor Support staff or assistant to the Mayor for assessment against this Policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Claims for reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form at Annexure C, supported by appropriate receipts and/or tax invoices and be submitted to Councillor Support staff or assistant to the Mayor.

Timeframe for submitting reimbursement claim

- 11.7. 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.
- 11.8. At the end of each financial year any claims outstanding for the previous financial year must be submitted in the first week of July.
- 11.9. The Mayor's MasterCard expense claims must be accompanied by Annexure B "Allowance Claim Form". All expenditure must be accompanied by Tax invoice receipts and remitted monthly by a date determined by the Finance Department.

Advance payment

- 11.10. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.11. The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development.
- 11.12. Requests for advance payment must be submitted to Councillor Support staff or assistant to the Mayor for assessment against this Policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.13. 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. Appropriate expenses are cost of meals (excluding alcohol, refer to clause 6.23), travel, registration fees, stationery and the like.
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.14. If a claim is approved, Council will make payment directly or reimburse the Councillor (not a third party) through accounts payable.
- 11.15. 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

- 11.16. 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.
- 11.17. 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.

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, then the disputed decision should be reviewed by the Audit, Risk and Improvement Advisory Committee, with a report to the full 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. Council may require reimbursement of a portion of the monetary value of the equipment if a Councillor resigns in the first 12 months of service.
- 13.4. 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.

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.

ANNEXURE A – DEFINITIONS

Listed here are all the terms and acronyms used in this Policy, and their definitions.

appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993 (NSW)</i>
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this Policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	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, unless the contrary is expressly indicated.
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
long distance intrastate travel	Means travel to other parts of NSW/QLD of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised at Clause 5 of this Policy.
official business	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"> • meetings of Council and committees of the whole • meetings of committees facilitated by Council • civic receptions hosted or sponsored by Council • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the <i>Local Government (General) Regulation 2005 (NSW)</i>
year	Means the financial year, that is the 12 month period commencing on 1 July each year



Annexure B – ALLOWANCE CLAIM FORM

CR _____ ALLOWANCE CLAIM FORM
Section 252, Local Government Act, 1993

Date	Meetings, Authorised Council Business and Inspections	Vehicle Allowance		Total \$
		under 2.5L over 2.5L	= 68c KM = 78c KM	
		Rates subject to change as per Local Government (State) Award		
		No of kms	68c or 78c	
		@		
		@		
		@		
		@		
		@		
		@		
		@		
		@		
		@		
Date	Sundry Claims All receipts/Tax Invoices to be enclosed	Sub Total		\$
TOTAL				\$

I hereby certify that the above expenses have been incurred and accordingly claim reimbursement in accordance with Council Policy and for Council business. All receipts for sundry items are attached to this Claim Form and are in my name. I understand that reimbursement can only be paid directly to me, not to a third party.

Councillor _____

Name (Please Print)	_____	Signature	_____	Date	_____
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Office Use Only

Equipment	2151.004. ____	Total \$ _____	Sundry	2145.006. ____	Total \$ _____
Travel	2145.002. ____	Total \$ _____	Carers Expenses	2145.011. ____	Total \$ _____
Conference	2145.004. ____	Total \$ _____	Equip Support/svc	2145.012. ____	Total \$ _____
Telephone/data	2145.005. ____	Total \$ _____	Consumables	2145.013. ____	Total \$ _____

Authorised: _____ **Date** _____ **TOTAL CLAIMED \$** _____

ANNEXURE C - LEGISLATIVE AND STRATEGIC CONTEXT

The Policy has been prepared in accordance with the legislative framework, OLG guidance and fits within objectives of the Community Strategic Plan.

Community Strategic Plan

The supporting strategies within the 10-year Community Strategic Plan include:

- 5.2: Create a culture of trust with the community by being open, genuine and transparent
- 5.3: Manage Council's finances sustainably

Legislation and guidance

This Policy is in compliance with:

- Sections 241, 252, 253 and 382 of the Local Government Act 1993 (the Act)
- Clauses 217 and 403 of the Local Government (General) Regulation 2005
- Office of Local Government's Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW 2009.
- Office of Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Office of Local Government Circular 05-08 legal assistance for Councillors and Council Employees.
- Office of Local Government Circular 17-17 Council Expenses and Facilities Policy – Better Practice Template

Related information

- Sections 241 and 382 of the Local Government Act 1993 (the Act)
- Code of Conduct Policy
- NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009

ANNEXURE D – EXPENSES AND FACILITIES

As per the proposed 2018/19 budget the below allocations are provided for:

Expense or facility	Clause	Maximum amount (either total allocation or per councillor)	Frequency
General travel expenses	6.2 6.6	\$17,700 – total	Annual
Accommodation and meals	6.19 6.20	As required – refer to Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 as a guide	As required
Out of pocket expenses (attending conferences, workshops etc – eg meals, travel)	6.32	\$100/day	As required
Conference, seminar, workshop or function held in the local area	6.38	\$500/councillor (approved by the General Manager)	As required
Professional development	6.25	\$10,000 – total	Annual
Conferences and seminars	6.32	\$31,500 – total	Annual
ICT equipment and consumables	6.43.2	\$3,700/councillor (year 1 of term) \$2,000/councillor (year 2 of term) \$2,000/councillor (year 3 of term) \$1,000/councillor (year 4 of term)	Annual
ICT support services	6.43.2	\$2,000 – total	Annual
Telephone (fixed line/mobile)	6.43.1	\$235 (Mayor) \$200 (Councillors)	Monthly
Carer expenses	6.48	\$3,100 – total	Annual
Councillor Assistance Program	6.52	5 sessions/councillor	Annual
Fitness Passport	6.53	Subsidised and provided to all councillors	Annual
Access to facilities in Councillor room	9.1	Provided to all councillors	
Council vehicle and fuel card	10.1	Provided to the Mayor	
Reserved parking space at Council offices	10.3	Provided to the Mayor	
Furnished office and meeting space	10.4	Provided to the Mayor	
Support staff	10.5	Provided to all councillors	
MasterCard	10.6	Provided to the Mayor (\$5,000 value)	