





Murrumbidgee
COUNCIL

Payment of Expenses and Provision of Facilities Policy

| | Name | Position | Signature | Date |
|---------------------|---------------|--|--|---------|
| Responsible Officer | Alison Coe | Assistant General Manager – Corporate and Community Services |  | 31/8/17 |
| Authorised By | Craig Moffitt | General Manager |  | 29.8.17 |

| Document Revision History | |
|---------------------------|---------------|
| Date adopted by Council: | 27 July, 2017 |
| Minute No: | 150/07/17 |
| Revision Number: | 1 |
| Previous Reviews: | N/A |
| Next Review Date: | June 2019 |
| Review Date: | |
| Minute Number: | |
| Review Date: | |
| Minute Number: | |

June 2017

TABLE OF CONTENTS

| | |
|---|----|
| 1. PURPOSE AND SCOPE..... | 4 |
| 2. REFERENCE | 4 |
| 3. DEFINITIONS..... | 5 |
| 4. POLICY STATEMENT | 6 |
| 4.1 Approval Arrangements | 6 |
| 4.2 No deduction from S248 and 249 fees | 6 |
| 4.3 Review procedures..... | 6 |
| 4.4 General Conduct | 7 |
| 5. PAYMENT OF EXPENSES | 7 |
| 5.1 General Provisions..... | 7 |
| 5.2 General Expenses | 7 |
| 5.3 Payment of Expenses Generally..... | 7 |
| 5.4 Annual Fees for Mayor and Councillors | 9 |
| 5.5 Specific Expenses for Mayor and Councillors..... | 9 |
| 5.6 Attendance at Workshops and Training Courses..... | 12 |
| 5.7 Attendance at Dinners and Other Non-Council Functions..... | 12 |
| 5.8 Local Travel Arrangements and Expenses (within LGA)..... | 13 |
| 5.9 Travel Arrangements & Travel Expenses outside the LGA including Intra and Interstate Travel.. | 14 |
| 5.10 Overseas Travel | 15 |
| 5.11 Legal Expenses for Mayor and Councillors..... | 15 |
| 5.12 Insurance Expenses and Obligations..... | 16 |
| 5.13 Telecommunications | 17 |
| 5.14 Spouse, Partner and Accompanying Persons' Expenses..... | 17 |
| 5.15 Care and Other Related Expenses..... | 18 |
| 6. PROVISION OF FACILITIES..... | 18 |
| 6.1 General Provisions | 18 |
| 6.2 Private Benefits | 19 |
| 6.3 Provision of Equipment and Facilities for Councillors..... | 19 |
| 6.4 Provision of Additional Facilities for the Mayor..... | 21 |

| | |
|---|----|
| 7. OTHER MATTERS | 21 |
| 7.1 Acquisition and Return of Facilities and Equipment by Councillors | 21 |
| 7.2 Gifts or Benefits..... | 22 |
| 8. POLICY IMPLEMENTATION..... | 22 |
| 9. POLICY REVIEW | 22 |
| Appendix A | 23 |
| Appendix B | 24 |

1. PURPOSE AND SCOPE

Murrumbidgee Council is committed to ensuring that councillors (or administrators of Council) are recompensed for legitimate and reasonable expenses and can access agreed resources through an equitable, accessible, transparent and accountable process, subject to DLG & ICAC Guidelines (www.icac.nsw.gov.au) and any relevant legislative requirements.

Purpose

- 1.2.1. To provide a framework to encompass the requirements of the Act being the payment of expense and provision of facilities to Councillors, Mayor and Deputy Mayor.
- 1.2.2. To ensure that there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred by the Mayor and Councillors.
- 1.2.3. To provide adequate fair and equitable facilities for the payment or reimbursement of, expenses incurred by the Mayor, Deputy Mayor and Councillors appropriately and satisfactorily fulfil their role as responsive and responsible community representatives.
- 1.2.4. To provide a framework for Councillors to attend conferences to represent Council and any training sessions deemed appropriate for the education of each Councillor. This could include new legislation or refresher courses as deemed necessary.

Scope

This policy applies to the Mayor and all Councillors of Murrumbidgee Council. This policy is also relevant to NSW council administrators where applicable and with necessary modifications.

2. REFERENCE

| | |
|------------------------------------|---|
| Legislation / Recognized Standards | <ul style="list-style-type: none">• Local Government Act 1993 (the Act) Sections 252 254A• Local Government (General) Regulation 2005• Division of Local Government Guidelines for payment of expenses and provision of facilities to Mayors and Councillors,• Model Code of Conduct for Local Councils in NSW• 1 Code of Conduct – Murrumbidgee Council• Division of Local Government Circulars to Councils• ICAC publications |
| Risk Assessment | <ul style="list-style-type: none">• N/A |
| Other References | <ul style="list-style-type: none">• Conflict of Interest Policy• Gifts and Benefits Policy• Public Interest Disclosures Policy |

| | |
|--|--|
| | <ul style="list-style-type: none"> • DLG Promotion Better Practice Review |
|--|--|

3. DEFINITIONS

| | |
|---|---|
| <i>Accompanying person</i> | Shall mean spouse, partner or a person with a close personal relationship to the Councillor and/or provides carer support to the Councillor |
| <i>Authorised Event</i> | Events, meetings, dinners, functions, or similar occasions (not being a conference, workshop or official function as described in this section) whether organised by Murrumbidgee Council or other body that have declared by the Mayor and the General Manager to be an 'authorised event'. Councillors attending an authorised event will be entitled to claim reimbursement of expenses in accordance with this policy. |
| <i>The Act</i> | Shall mean the Local Government Act 1993 (as amended) |
| <i>Conference</i> | Shall mean any conference, seminar, congress, forum, workshop, course, meeting, deputation, information and training session, or event, related to the industry of local government and held within Australia. A conference is generally considered residential in nature, with a programme spanning more than one day |
| <i>Policy</i> | Shall mean this policy, being the Policy – Payment of Expenses and Provision of facilities to the Mayor and Councillors |
| <i>The Regulation</i> | Shall mean the Local Government (General) Regulation 2005 |
| <i>Seminar</i> | See definition of Conference, above |
| <i>Workshop, Training Course</i> | For the purpose of this policy, workshops and training courses span a single day and are non-residential in nature |
| <i>Mayor</i> | Means the elected mayor, or the deputy mayor acting in the position of mayor in the mayor's absence. |
| <i>Expenses</i> | 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. |
| <i>Facilities</i> | 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. |

| | |
|---|--|
| Official 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. |
| Role of a Councillor | Refer to Section 232 of the Local Government Act |

4. POLICY STATEMENT

4.1 Approval Arrangements

All expenses related to the exercise of Council-related business should only be incurred by Councillors in accordance with the provisions of this Policy.

Councillors may be nominated to attend conferences, seminars and similar functions by:

- (a) the Council, through resolution duly taken.
- (b) However where there is insufficient time for consideration by the Council, the Mayor and the General Manager jointly have delegation to nominate Councillors to attend conferences, seminars and similar functions.

If the Mayor requires approval, it should be given jointly by the Deputy Mayor or another Councillor and the General Manager. In addition, the Mayor may nominate a substitute attendee in his or her stead for functions within the Council area or the general regional area on those occasions where the Mayor is unable to be in attendance.

4.2 No deduction from S248 and 249 fees

Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities which may be provided to the Mayor, Deputy Mayor and Councillors under this policy, shall be provided without reduction of the annual fees payable to the Mayor and Councillors, as determined by the Council, under Section 248- 254A inclusive of the Act.

4.3 Review procedures

S 252 (1) of the Act requires that Council:

Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office

Further, S 253 requires that each year the revised policy is placed on public exhibition prior to its adoption via a resolution of Council:

A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.

Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:

- (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
- (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
- (c) a copy of the notice given under subsection (1)

A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

4.4 General Conduct

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. This is required under section 439 of the Local Government Act and reinforced in the Model Code of Conduct made under section 440.

5. PAYMENT OF EXPENSES

5.1 General Provisions

Beyond the facilities provided by Council to Councillors and the Mayor, it is expected that additional expenses will be incurred in the performance of Councillors' and the Mayor's civic duties. Accordingly, Council will provide annual allowances, together with reimbursement of approved expenses incurred in the performance of a Councillors' or Mayor's role.

No allowances or expenses other than those expressly contained in this policy are payable to the Mayor or Councillors.

5.2 General Expenses

General expenses are not allowed under the provisions of this policy. A general expense allowance is a sum of money paid by a Council to a Councillor to expend on an item or service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

5.3 Payment of Expenses Generally

5.3.1 Monetary Limits for Expenses

All expenses are allocated a monetary limit. The limit may reflect an actual limit or be an actual amount aligned to a monthly or annual limit. Refer to Appendix A for all Monetary Limits for Expenses, Equipment and Facilities.

5.3.2 Time Limit for Claiming Expenses

Councillors are required to submit their application for reimbursement of expenses within 60 days of the date of the expense.

5.3.3 Reimbursement and Reconciliation of Expenses

Expenses will be reimbursed to Councillors only where they have been incurred in accordance with this policy.

A Councillors Claim for the Reimbursement of Expenses Form must be prepared and signed by the Councillor and submitted for approval within the time limit (Appendix B)

Supporting documentation must accompany each expense claim and constitutes:

1. Receipts for travel, accommodation, registration and other incidental costs
2. Conference timetables
3. Travel itineraries or booking confirmations
4. Receipts for all other expenses incurred by Councillors under this Policy

Incidental expenses may not require specific receipts provided it can be demonstrated that the expenditure was incurred and it is not general in nature. Where receipts are not required it would be appropriate for Councillors to certify that the expenditure was for the purpose intended and such expenses will be paid in accordance with the annual Taxation Determination issued by the Australian Taxation Office. Amounts claimed shall not exceed amounts specified in the Taxation Determination.

The level of the supporting documentation should be commensurate with the nature of the expenditure i.e. parking, tolls, refreshments and the like may only require a signed statement listing the payments,

Completed expense claim forms are to be submitted to the General Manager through the Mayor's Executive Assistant. On approval of the expense claim, reimbursement will be processed and deposited into the Councillors nominated bank account.

5.3.4 Payments in Advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home, as well as any other service or facility covered by this policy.

A completed Expense claim form is required, including supporting relevant documentation. The expense claim form is required to be completed to account for the advance payment and any excess to be repaid or deficit to be reimbursed. Where an excess of advance over actual expenses is recorded, cash or cheque repaying the excess advance must accompany the claim when it is submitted.

5.3.5 Disputes

Any dispute of payment of expenses involving councillors are to be reviewed by the General Manager and Mayor. If the dispute involves the Mayor or General Manager, the matter is to be resolved by full Council at a Council meeting.

5.4 Annual Fees for Mayor and Councillors

5.4.1 Fees Payable to Councillors

The Council shall, prior to 30th June each year, set by resolution, the annual fees to be paid, monthly in arrears, to a Councillor for the following year commencing 1st July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Regulations and any specific resolution of the Council under Section 254A.

5.4.2 Fees Payable to the Mayor

The Council shall, prior to 30th June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1st July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Council may only pay the Deputy Mayor part of the annual Mayoral fee where a Deputy Mayor demonstrably acts in the role of Mayor (section 249 of the Act). Such payment must only be done at the direction of Council and any amount paid to the Deputy Mayor must be deducted from the Mayor's Annual fee.

5.4.3 No Deduction under this Policy from Fees

Unless otherwise provided, (that is an agreement signed and approved by the individual Councillor), the payment of, or reimbursement of expenses and the facilities which may be provided under this Policy, shall be provided without reduction from the annual fees payable to the Mayor and Councillors, as determined by the Council, under this section.

5.5 Specific Expenses for Mayor and Councillors

5.5.1 Seminars, Conferences, Workshops and Training Courses

For the purpose of this policy, a seminar or conference is considered to be of a residential nature, with a program spanning more than one day. Workshops and training courses generally span a single day and are non-residential in nature.

5.5.2 Attendance at Seminars and Conferences

The Mayor and Councillors will be nominated and authorised to attend conferences by the Council, through resolution duly passed in open session at a Council Meeting.

A resolution of Council is not required for Councillors to attend seminars or conferences in the following circumstances:

- (i) During Council recess,
- (ii) Where a conference is for one day or less or does not involve an overnight stay, or
- (iii) Where there is insufficient time for consideration by the full Council

In the event of any of the above circumstances the Mayor jointly with the General Manager are to approve Councillors attendance at seminars or conferences.

5.5.3 Applicable Conferences

The conferences to which this Policy applies shall generally be confined to:

1. Annual conferences and special one-off conferences called or sponsored by any of the following Associations:

- Local Government NSW
- Australian Local Government Women's Association
- Australian Local Government Association
- National General Assembly of Local Government
- Murray Darling Basin Authority

2. Annual conferences of the major professions in Local Government

3. Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions

4. Conferences or meetings of organisations or bodies to which a Councillor has been elected, or appointed as a delegate or member of the Council, or the LGNSW, ALGWA, or ALGA

5. Attendance at any other type of conference or seminar would require the prior approval of the full Council.

5.5.3.1 Expression of Council's Viewpoint at Conferences

Where a viewpoint of Council may be sought at a Conference, the conduct of Delegates representing Council shall be governed as follows:

1. Where possible, Delegates should express only Council's viewpoint when representing Council
2. Where Council has not determined a viewpoint on any issue being raised at a Conference, or new information is provided, then the Delegate shall represent the best interests of Council

5.5.4 Registration, Travel and Accommodation Bookings

Where a delegate has been authorised to attend a conference, it is the delegate's responsibility to arrange for registration, travel and accommodation bookings to attend that conference.

1. Registration, travel and accommodation bookings for conferences and workshops will be coordinated through Council's Executive Services Unit.

2. Delegates must, within 3 business days of the Council resolution authorising them as a delegate, contact Council to arrange for the relevant bookings to be made. Any special requirements which the delegate may have in relation to the conference, travel or accommodation are to be advised to Council at this time.

3. The confirmation of relevant bookings, once made, is the responsibility of the delegate.

4. Where payment is required up-front, delegates must provide to Council's Executive Services Unit a form of payment to meet those up-front costs:

- (a) an approved expense advance authorised by the Mayor and General Manager, or
- (b) valid credit card or bank detail.

5.5.5 Conference Costs

The Council shall pay or reimburse the Mayor or a Councillor:

5.5.5.1 Registration: All normal registration costs, including costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

5.5.5.2 Accommodation: Reasonable accommodation costs including the night before and/or after the conference where that is necessary due to travel and/or conference timetables. Council should take advantage of any "corporate rates" at accommodation venues as secured by Conference organisers

LIMIT: As per Appendix A- Accommodation

5.5.5.3 Travel: All reasonable travel costs to and from the conference location and venue in accordance with the requirements for travel as outlined in this policy.

LIMIT: As per Appendix A - Travel

5.5.5.4 Incidental Expenses: Incidental expenses associated with attendance at conferences, seminars or training courses may be reimbursed upon presentation of a claim form and appropriate receipts. Incidental expenses include:

- (a) any hotel/motel charges associated with the Conference, other than accommodation

LIMIT: As per Appendix A – Incidental Expenses

- (b) all telephone or facsimile calls or internet charges related to Council business;
- (c) reasonable lunches, dinners and other meals incurred whilst travelling to or from the Conference and other meals occurring during the Conference but not included in the conference registration fee;

LIMIT: As per Appendix A - Meals

- (d) incidental expenses, e.g. parking, motorway or bridge tolls, laundry and refreshments;
- (e) any optional activity in a conference program, but excluding any pre or post conference activities.

5.5.6 Report to Council

Attendance at any conference, seminar, training course or workshop shall be the subject of a report to Council outlining the major issues raised at the event and its relevance to the Murrumbidgee Council with recommendations for further areas of investigation. This section does not apply to a Councillor's attendance at the annual conferences of the following associations:

- Local Government NSW
- Australian Local Government Women's Association
- Australian Local Government Association
- National General Assembly of Local Government
- Murray Darling Basin Authority

Where a group of Councillors attend the same event, the report to Council may be submitted by the group, but must be signed by all Councillors.

The delegate(s) must submit this report to Council within one calendar month of the conference.

The report to Council should be in writing and include the following sections:

- (a) The purpose / subject matter of the conference, including the reason for the attendance of the delegate
- (b) The agenda of the conference
- (c) Any items of interest to Council discussed at the conference
- (d) Recommendations for further areas of action or investigation

The written report should be provided to the General Manager as soon as practicable.

5.6 Attendance at Workshops and Training Courses

All councillors are entitled to attend workshops and training courses, however there is no obligation on any councillor to attend.

Seven days prior notice to any workshop must be given to Councillors in writing (electronic notification is also appropriate).

Costs associated with the attendance of a councillor at workshop or training courses may be claimed by the Councillor provided that the workshop or course is specifically related to the Councillor's civic functions and responsibilities.

5.7 Attendance at Dinners and Other Non-Council Functions

Consideration may be given at a full Council Meeting with regard to meeting the cost of Councillors' attendance at dinners and other non-Council functions which provide briefings to Councillors from key community groups and businesses which are of direct relevance to Council's interest. Council will

meet the cost of Councillors' attendance at these functions; the extent of the reimbursement in this section is limited to the cost of the function only.

A Councillor who is a member of a Council Committee and participating in a committee event is providing a direct benefit to Council.

Council will not pay expenses or provide facilities to councillors in relation to supporting and/or attending fundraising activities of political parties including political fundraising events as such events are considered to be personal interests.

5.8 Local Travel Arrangements and Expenses (within LGA)

Councillors may claim expenses associated with reasonable travel expenses for travel relating to defined Council business within the Local Government area. Travel by Councillors should be undertaken by utilising the most direct route and most practicable and economic mode of transport subject to any personal medical considerations. For the purposes of this policy, local travel shall include travel to the Local Government Areas which share a boundary with the Murrumbidgee LGA. A number of transport arrangements are available to Councillors:

5.8.1 Council Vehicle

A suitable vehicle or vehicles may be provided by the Council for use on official duties connected with the office of Councillor

5.8.2 Use of Private Motor Vehicle

A Councillor's registered and insured private vehicle may be used for official travel, but such usage must be approved jointly by the Mayor and General Manager prior to the journey. Where a private vehicle is used with appropriate approval, the Mayor or Councillor the claim is to be as follows:

1. If no Council vehicle was available to be utilised by the Mayor or Councillor then the claim is to be via the kilometre allowance (as provided by the Local Government State Award) at the date of travel. The travel must be via the most direct route between the Councillor's place of residence within the local government area and the destination.
2. If a Council vehicle is available and Councillors elect to utilise their own vehicle (for example as they may be travelling on to an alternate location and not returning directly to their home) reimbursement will be by way of "actual" fuel receipts and not the set rate per kilometre method. Receipts must accompany the associated claim form.

5.8.3 Cab Charge

If approved jointly by the Mayor and General Manager, a Councillor may be issued with a cab charge card for use when on Council business outside the LGA, provided that at least one of the following conditions apply:

- when a Council vehicle is not reasonably available to provide such transport
- the provision of a vehicle would not be economical in the circumstances

- the councillor does not own a registered vehicle
- the Councillor is not a licensed driver

5.8.4 Incidental Expenses: Reasonable incidental expenses associated with attendance at a conference upon presentation of a claim and receipts for the following as defined in 2.5.5.4

LIMIT: As per Appendix A – Incidental Expenses

5.9 Travel Arrangements & Travel Expenses outside the LGA including Intra and Interstate Travel

Approval for travel outside the LGA for travel, accommodation and expense reimbursement must be granted prior to the travel and shall be given jointly by the Mayor or Deputy Mayor and the General Manager.

All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Where travel is by motor vehicle it should be undertaken by Council vehicle.

Where no Council vehicle is available Councillors may utilise their own vehicle (see section 2.8.2).

When attending official engagements and functions where the Councillor has been authorised by the Council to do so, or is deputising for the Mayor as an authorised Council delegate, at any conference as defined in this policy held outside the Griffith Local Government area, a Councillor may claim for approved use of a private motor vehicle.

If a Council vehicle is available and Councillors elect to utilise their own vehicle (for example as they may be travelling on to an alternate location and not returning directly to Griffith) reimbursement will be by way of "actual" fuel receipts and not the set rate per kilometre method.

Hire cars, taxi fares, tolls and parking costs which are reasonably required in attending conferences may also be claimed under this policy.

5.9.1 Payment of Fines

The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

5.9.2 Air Travel

Travel by air must be to economy standard.

5.9.3 Accommodation and Incidental Expenses incurred during travel outside the LGA including Intra and Interstate Travel

Prior approval for accommodation and incidental expenses incurred outside the LGA must be granted to obtain a reimbursement of expenses. The application must be made to the General Manager and should include full details of the travel, accommodation and expenses, including itinerary, costs and

reasons for the travel. Such expenses will be paid in accordance with the annual Taxation Determination issued by the Australian Taxation Office. Amounts claimed shall not exceed amounts specified in the Taxation Determination.

5.9.3.1 Accommodation

Reasonable accommodation costs including the night before and/or after the conference or meeting where that is necessary due to travel and/or conference/meeting timetables.

LIMIT: As per Appendix A – Accommodation

5.9.4.2 Incidental Expenses

Incidental expenses associated with attendance at conferences, seminars or training courses may be reimbursed upon presentation of a claim form and appropriate receipts. Incidental expenses will be paid in accordance with the annual Taxation Determination issued by the Australian Taxation Office. Amounts claimed shall not exceed amounts specified in the Taxation Determination.

LIMIT: As per Appendix A – Incidental Expenses

5.10 Overseas Travel

Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking the trip. Travel must be approved on an individual trip basis.

Detailed proposals for overseas travel should be developed and included in Council business papers. These proposals shall include nomination of the Councillors undertaking the trip, the purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit should also be provided.

After returning from overseas, Councillors will provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local community. Councillors are also required to report back on their overseas travel to a full meeting of Council.

5.11 Legal Expenses for Mayor and Councillors

Subject to conditions shown in section 2.12.1 below, legal assistance will be provided to the Mayor and Councillors in the event of an enquiry, investigation or hearing, into the conduct of a Councillor by:

1. the Independent Commission Against Corruption;
2. the Office of the Ombudsman;
3. Division of Local Government;
4. the Police;

5. the Director of Public Prosecutions; or
6. the Local Government Pecuniary Interest Tribunal
7. the Council Conduct Review Panel

Legal assistance will be provided to the Mayor and Councillors where the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. Council, by resolution, may reimburse the Mayor and such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

5.11.1 Conditions for Provision of Legal Expenses

Legal assistance and reimbursement as specified above will only be provided upon resolution of the Council and subject to the following conditions:

1. the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Mayor or Councillor on any basis
2. the enquiry, investigation, hearing or proceeding results in a finding substantially in favour of the Mayor or Councillor
3. the amount of such reimbursement is limited to the equivalent of the fees being charged by Council's Solicitors.
4. the legal costs have not arisen from legal proceedings initiated by a councillor under any circumstance.
5. the legal costs have not arisen from a councillor seeking advice in respect of possible defamation or in seeking a non-litigious remedy for possible defamation.
6. legal costs will not be met for legal proceedings that do not involve a councillor performing their role as a councillor

5.12 Insurance Expenses and Obligations

The Mayor and Councillors will receive the benefit of insurance cover to the limit specified in Council's insurance policies.

5.12.1 Councillors and Officer Liability

Council provides indemnity to any person who was, is presently, or in the future becomes an elected member of Council, or a Committee Member of a legally constituted committee under the Local Government Act 1993, in the event of personal litigation being instigated against them for any action arising whilst that person was exercising their duty.

(a) Professional Indemnity

Provides indemnity to an individual against litigation resulting from the exercise of their official professional duties.

(b) Statutory Liability

Provides indemnity for fines and penalties arising out of the conduct of the business of Council.

(c) Personal Accident:

Provides for the payment of non-medical expenses and the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to Councillors and their partners whilst on official business of Council.

5.13 Telecommunications

Council will reimburse reasonable telephone calls (landline and mobile) and facsimile costs associated with the execution of Councillors' civic duties. Expense claims for reimbursement are to be accompanied by an itemised bill, with usage relating to Council business highlighted.

LIMIT: As per Appendix A – Telecommunications

5.14 Spouse, Partner and Accompanying Persons' Expenses

5.14.1 Allowable Expenses for Accompanying Persons

The Council shall meet the following costs of an accompanying person:

(a) Local Government conferences

Council shall meet the costs of registration and any official conference dinners of the Mayor's or Councillors' accompanying person in attending the following annual conferences:

1. Local Government NSW
2. Australian Local Government Association
3. National General Assembly of Local Government.
4. Murray Darling Basin Authority

All travel expenses, additional accommodation expenses, accompanying person tours and other sundry expenses incurred by the accompanying person shall be the personal responsibility of the individual Councillor.

5.14.2 Allowable Expenses for Person Accompanying the Mayor (or Councillor on behalf of Mayor)

(a) Attendance at Official Council Functions and other Authorised Events within the Local Government Area

Costs incurred by the Mayor (or Councillor on behalf of the Mayor) for an accompanying person in attending official Council functions of a formal and ceremonial nature within the Griffith Local Government area and other authorised events when invited as Mayor.

(b) Official Council Functions and other Authorised Events outside the Local Government Area

Costs incurred by the Mayor (or Councillor on behalf of the Mayor) for an accompanying person when the accompanying person of the Mayor is invited to accompany the Mayor (or Councillor representing the Mayor) when the Mayor is called on to attend an official function on Council's behalf or carry out an official ceremonial duty outside the Council area, but within the State. Examples could 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. Expenses will be reimbursed in accordance with the Policy.

5.14.3 Disallowed Expenses for Accompanying Persons

Council will not meet expenses associated with the attendance of an accompanying person at:

1. Attendance at any conference or event not noted in section 1 above
2. Any event or function outside the Council area, including interstate and overseas (with the exception of attendance at annual conferences of those bodies noted above)

5.15 Care and Other Related Expenses

Council will reimburse a Councillor's costs for care arrangements including childcare expenses and the care of elderly, disabled and/or sick immediate family members to allow the Councillor to undertake their business obligations.

Payment for other related reasonable expenses associated with the special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities is allowable under this section under Clause 1.6.12 of the Department of Local Government Guidelines For the Payment of Expenses and Provision of Facilities for Mayors and Councillors in NSW (the Guidelines)

Expense claims for reimbursement are to be accompanied by an itemised receipt.

LIMIT: As per Appendix A – Care and other Expenses

6. PROVISION OF FACILITIES

6.1 General Provisions

It is recognised that Councillors and the Mayor have specific needs to meet the demands of civic office. Accordingly, Council will provide facilities to Councillors, together with additional exclusive facilities for the Mayor's use, to allow all Councillors to perform their duties.

All equipment and furniture provided under this section shall always remain in the possession of the Councillor during his/her term of office, and shall remain the property of the Council and returned to the Council in good operational order and condition upon ceasing to be an elected member of the Council.

Such provision of facilities shall be subject to Section 254A of the Act and any specific resolution of the Council under Section 254A of the Act.

The Code of Conduct makes provision about the use of council resources to ensure that councillor expenses and facilities are not used inappropriately. The Code of Conduct provides that council resources must be used ethically, effectively, efficiently, and carefully. Council property including intellectual property, official services and facilities must be not misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that council resources are being used inappropriately (Clauses 10.12-10.14 and 10.15).

6.2 Private Benefits

Councillors are not entitled to obtain private benefits from the provision of equipment, services and facilities, nor from travel bonuses such as frequent flyer schemes or any other such loyalty programs while on Council business. However it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. In circumstances where other than incidental private use has occurred the Local Government Act 1993 (Section 252) provides for Councillors fees to be reduced by an amount representing the private benefit to the Councillor. Councillors are required to report to the General Manager any significant private use of Council facilities immediately.

6.3 Provision of Equipment and Facilities for Councillors

Council will provide the following facilities and administrative support to Councillors to assist them in the effective discharge of their civic duties. The provision of such equipment will be of a standard deemed by the General Manager as appropriate for this purpose.

A person's re-election is considered to be a personal interest. Official council material such as letter head, publications, websites as well as council services and forums must be not be used for such personal interests. Situations in which the appearance may be given that these are being used for such purposes are also to be avoided (Code of Conduct clause 10.16 refers)

The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to councillors in relation to supporting and/or attending such activities and events.

6.3.1 Monetary Limits for Provision of Equipment and Facilities

Provision of equipment and facilities are allocated a monetary limit where applicable. The limit may reflect an actual limit or be an actual amount aligned to a monthly or annual limit. Refer to Appendix A for all Monetary Limits for Expenses, Equipment and Facilities. Councillors must adhere to prescribed limits unless otherwise approved by the Mayor or General Manager

The following facilities will be made available to all Councillors:

6.3.2 Refreshments

Reasonable refreshments will be provided at Council meetings, and meetings of the Mayor or Councillors with Parliamentary representatives, visiting dignitaries and other delegations. Refreshments be set as per the budget provided for Civic Receptions on an annual basis.

LIMIT: As per Appendix A – Refreshments

6.3.3 Stationery

Each Councillor will be provided with a reasonable amount of appropriate stationery to carry out their civic duties, including but not limited to:

1. Mayoral and Councillor Letterhead stationery and envelopes (Crest letterhead with "From the Office of the Mayor and Councillors" typed in header).
2. Name badges
3. Business cards
4. Writing pads and pens
5. Paper and consumables for printers and fax machines

LIMIT: As per Appendix A – Stationery

6.3.4 Corporate Dress

Each Councillor will be supplied with two Murrumbidgee Council neckties or scarves, and if requested, a corporate sports coat.

LIMIT: As per Appendix A – Corporate Dress

6.3.5 Secretarial Support

Reasonable secretarial/clerical support will be provided to Councillors during normal office hours for work directly related to the duties of office.

6.3.6 Complimentary Tickets

No complimentary tickets, provided by Council for attendance at any Council operated facility other than for official functions, will be provided to either staff or Councillors to ensure full transparency and accountability of funds.

6.3.7 Office Equipment

Councillors will be provided with reasonable access to the photocopier and facsimile machine in the Council during normal office hours for work directly related to the duties of office.

6.3.8 Computers and Peripheral Equipment

Councillors will be supplied with a Tablet computer (a **tablet computer**, or a **tablet**, is a [mobile computer](#), larger than a mobile phone or [personal digital assistant](#), integrated into a flat [touch screen](#) and primarily operated by touching the screen rather than using a physical [keyboard](#)) set up to enable internet access, emailing and processing of correspondence and access to Council business papers, minutes, policies and other Council records. All requisite software will be installed on that device.

Councillors will also be supplied with a printer upon request.

LIMIT: As per Appendix A – Computers and Peripheral Equipment

6.3.9 Communication Expenses

There is no provision for Councillors to produce and disseminate personalised pamphlets, newsletters and the like.

6.4 Provision of Additional Facilities for the Mayor

In addition to the facilities provided to all Councillors, Council will provide a number of specific facilities to the Mayor.

6.4.4 Refreshments

Reasonable provision of food and refreshments for Civic and Mayoral Receptions and when required to attend information workshops conducted as a working lunch.

LIMIT: As per Appendix A – Refreshments

6.4.5 Mobile Telephone

The Mayor will be provided with an appropriate mobile telephone and/or communications device for use in relation to official functions and duties of the office of Mayor.

LIMIT: As per Appendix A – Telecommunications

6.4.6 Corporate Credit Card

The Mayor will be provided with a Corporate Credit Card for Council related business pursuant to the provisions of this Policy to a maximum monthly amount.

LIMIT: As per Appendix A– Corporate Credit Card

6.4.7 Secretarial Support

The Mayor will be provided secretarial support, including telephone and reception duties, word processing and the organisation of receptions.

7. OTHER MATTERS

7.1 Acquisition and Return of Facilities and Equipment by Councillors

The property provided to Councillors remains the property of Council. Councillors must return all the property promptly on completion of the term of office, extended leave of absence, at any time at the request of the General Manager or at the cessation of their civic duties. Failure to return information technology items within the required timeframe will result in the items being remotely disabled and disconnected.

Councillors may purchase Council equipment previously allocated to them at the cessation of their duties or when equipment is to be replaced. The sale of such equipment should be at a fair market price or written down value, whichever is the higher.

7.2 Gifts or Benefits

In circumstances where it is appropriate for councillors to give a gift or benefit (for example, on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Council's Code of Conduct (GRPP 02.01.01). For clarification on what token gifts and benefits are see the Code of Conduct Part 5.3.

8. POLICY IMPLEMENTATION

Section 428 (2) (f) of the Act requires the Council to include in its Annual report:

- 1 The total amount of money expended during the year on Mayoral fees and Councillor fees;
- 2 The Council's policy on the provision of facilities for use by Councillors and the payment of Councillor's expenses;
- 3 A statement as to the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

Section 12 of the Act provides that the public is entitled to inspect the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

All Councillors, including the Mayor are entitled to claim for reimbursement of reasonable expenses incurred in properly carrying out the duties of civic office as a Councillor. All expenses should be directly and wholly attributable to the performance of the duties of civic office.

Each expense claim is to be accompanied by appropriate documentation and/or certification from the Councillor as to its validity in terms of the Act.

The allocation of expenditure shall be via prior approval of Council. However, in the circumstances where the time factor does not allow prior authorisation by Council, then the General Manager and Mayor jointly have delegation, to approve such expenses.

A public record, open for scrutiny, is to be kept concerning all facilities provided to Councillors and of the total expenses reimbursed to Councillors.

9. POLICY REVIEW

This policy is to be reviewed in September 2016 by the General Manager.

Appendix A

| Facility for Council business use | Mayor | Deputy Mayor | Councillors |
|--|---|---|---|
| Laptop Computer | Available* | Available* | Available* |
| Fax facility | Available* | Available* | Available* |
| Vehicle Use | Occasional Use | Occasional Use | Occasional Use |
| Furnished Mayoral Room | Available | Available by arrangement with the Mayor | Available by arrangement with the Mayor |
| Secretarial & Administrative support | Available | Not Available | Not Available |
| Stationary, office supplies, postage, business cards and other consumables | Available | Available | Available |
| Corporate clothing | Available | Available | Available |
| Corporate Credit Card | Available | Not Available | Not Available |
| Meals/refreshments related to council meetings, office functions and committee and work group meetings | Available | Available | Available |
| Ceremonial garb | Available* | Not Available | Not Available |
| Use of Council Chamber | When Free for use | When Free for use | When Free for use |
| Mobile phone | Available* | Not Available | Not Available |
| Provision of transport within 20km radius transport for non-drivers | When resources exist & transport pre-arranged | When resources exist & transport pre-arranged | When resources exist & transport pre-arranged |
| Disabled, hearing and sight impaired etc. Equity of access | Reasonable resources | Reasonable resources | Reasonable resources |
| Incidental Expenses | Available by arrangement with the General Manager | Available by arrangement with the General Manager | Available by arrangement with the General Manager |
| Accommodation, Meals, Travel, Car and other Expenses | Available by arrangement with the General Manager | Available by arrangement with the General Manager | Available by arrangement with the General Manager |
| Care expenses eg., child minding for attendance to Council duties | Available by arrangement with the General Manager | Available by arrangement with the General Manager | Available by arrangement with the General Manager |

*Equipment remains property of Council

Appendix B



Councillor Claim for out of Pocket Expenses Form

Name: _____

Date of Function : _____

Function Attended: _____

| Expense Item | Amount |
|--------------|--------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

I hereby certify this claim to be complete and an accurate account of the expenses incurred by me on behalf of the Murrumbidgee Council

Date:

Signature:

Authorised for payment by:

Name: _____

Date: _____

Signature: _____
