



BYRON SHIRE COUNCIL

POLICY NO. 14/010

MAYOR AND COUNCILLORS

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES

Policy – Mayor and Councillors Payment of Expenses and Provision of Facilities

INFORMATION ABOUT THIS DOCUMENT

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Further Document Information and Relationships

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.dlg.nsw.gov.au ICAC Publication "No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)" November 2002 www.icac.nsw.gov.au
Related Policies	Model Code of Conduct www.byron.nsw.gov.au Light Motor Vehicle Fleet #978485
Related Procedures/ Protocols, Statements, documents	Email Communications Procedure #664764 Procedures Light Motor Vehicles <ul style="list-style-type: none"> • Fees & Charges and Makes and Models #1037783 • General Terms of Use #1037780 • Size of Fleet, Type of Vehicles & Allocation of Vehicles and Permitted Uses #1037773 Councillors Allowances Claim Form E2013/42853 – Last Updated 01/07/2014

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POLICY TITLE	MAYOR AND COUNCILLORS PAYMENT OF EXPENSES AND PROVISION OF FACILITIES
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1. INTRODUCTION

Under the Local Government Act 1993 including 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.

Section 428(2)(f) requires a council to include in its Annual Report:

- 1.1. Total amount of money expended during the year on providing those facilities and paying those expenses.
- 1.2. Council's policy on the provision of facilities for, and the payment of expenses to Councillors.
- 1.3. 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.

Section 12 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.

This policy should be read in conjunction with Council's Code of Conduct, Policy 1.8, in particular, Clause 8 – Personal Benefit, and Clause 10 – 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. OBJECTIVES

To ensure the Mayor and Councillors and/or appointed Administrators of Byron Shire Council are:

- 2.1. reimbursed for reasonable and appropriate expenses incurred in the performance of their civic duties.
- 2.2. provided with a range of facilities to assist in the discharge of their civic duties.

3. FIXING AND PAYMENT OF ANNUAL FEES

The Councillors annual fees do not fall within the scope of this Policy. See Local Government Act 1993 Section 248 - Fixing and payment of annual fees for Councillors and Section 249 - Fixing and payment of annual fees for the Mayor.

4. GENERAL CONDUCT

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

5. TRAVEL EXPENSES/PROVISIONS

- 5.1. Councillors are entitled to claim "mileage" allowance for use of private vehicles when used to travel (including return) between their place of residence or employment, utilising the most direct route possible, subject to the Councillor's private vehicle being currently registered and covered by Compulsory Third Party Insurance:-
 - 5.1.1. To attend Council or Committee or Sub-Committee meetings and appointments at the Council Chambers, Council's Training Rooms, Depots and Halls/Community Centres for Council business;
 - 5.1.2. 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;
 - 5.1.3. Attending public meetings convened by the Council;
 - 5.1.4. 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;
 - 5.1.5. To and from the periodical conferences and seminars as stated in Clause 8.
 - 5.1.6. To attend Council Regional Committee of Sub- Committee meetings.
 - 5.1.7. To attend any other official Council events, functions, meeting and public information sessions.
- 5.2. Reimbursement will be paid at the current rate of the "mileage" allowance set by the appropriate Local Government Industrial Award from time to time.
- 5.3. All vehicle allowance claims to be made in accordance with the Claims Procedure at Section 12.
- 5.4. Costs of traffic or parking fines incurred whilst travelling in private or Council vehicles on Council business are the responsibility of the driver.
- 5.5. Councillors unable or unwilling to drive to any Council business, as stated in 5.1.1 to 5.1.7, and if Council is unable to provide transport to the Council business, may use public transport or taxis utilising the most direct route possible which costs will be reimbursed by Council.

6. PAYMENT OF EXPENSES (MONETARY LIMITS)

- 6.1. No annual, monthly or daily allowance or expense type allowance payment will be payable in any circumstance.
- 6.2. Monetary limits applying to this policy include:
- 6.2.1. **Carer's expenses** Mayor and Councillors maximum \$3,000 (total for all Councillors including Mayor) per annum
- 6.2.2. **Fixed and Mobile charges** for: voice calls, data services, telephone/mobile line/handset rental
- a) Mayor - \$235 per month maximum
b) Councillor - \$200 (per Councillor) per month maximum
- 6.2.3. **Computer hardware (including laptops, tablets and smartphones), printer, software and services**
- Mayor and Councillors
- a) maximum of \$3,700 (per Mayor/Councillor) in the first year only for term of office, for initial purchase of equipment, software licenses, consumables, protective covers or carry case for equipment and line installation as deemed necessary for business paper distribution, to work with documents supplied by Council and for communications.
- b) maximum of \$2,000 (per Mayor/Councillor) in the either the second or third year of office, for purchase of equipment, software licenses, consumables and protective covers or carrycase for equipment and line equipment for the purposes stated in a) above;
- c) maximum of \$1,000 (per Mayor/Councillor) in the fourth year of office per annum for consumables and protective covers or carry case for equipment purchased.
- d) maximum of \$2,000 (total for all Councillors including Mayor) per annum for services (backup support) provided by hardware supplier/local providers.
- 6.2.4. **Out of Pocket Expenses** associated with attending conferences, seminars or training, maximum \$100 per day
- 6.3. Reimbursement of expenses must be made in accordance with the Claims Procedure at Clause 12.

7. FACILITIES FOR MAYOR AND COUNCILLORS

7.1. Mayor

In addition to those facilities provided to the Councillors in 7.2, the Mayor is entitled to receive the benefit of:

- 7.1.1. The use of a Council vehicle for official and private use by the Mayor and that the Mayor be required to pay to Council an appropriate rate per kilometre for his/her private use of the vehicle.

- a) The vehicle is provided in accordance with Council's adopted Policy Light Motor Vehicle Fleet and associated procedures being:
 - i) Light Motor Vehicle -Fees & Charges and Makes and Models
 - ii) Light Motor Vehicle – General Terms of Use.
 - iii) Light Motor Vehicle – Size of Fleet, Type of Vehicles and Allocation of Vehicles and Permitted Uses
- b) The vehicle be made available by arrangement with the Mayor for official Council business;
- c) An allotted parking space at the Council's Administration building.
- d) The vehicle be returned to Council after completion of his/her term of office, extended leave of absence or at the cessation of his/her civic duties.

7.1.2. A furnished office for civic duties provided in Council's Administration Building;

7.1.3. Secretarial services relating to the discharge of his or her civic functions;

7.1.4. Administrative assistance associated with civic functions, meetings and the like;

7.1.5. Office refreshments;

7.1.6. Provision of a Mastercard with Council's preferred banking institution to the value of \$5,000 (see Claims Procedure at Clause 12) Note: All expenditure on the credit card must be in accordance with the provisions of the Policy and is not for private use.

7.2. Deputy Mayor and Councillors

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

7.2.1. **Access Provisions** – Appropriate provisions will be made for sight or hearing impaired councillors or those with any other disability.

7.2.2. **Business cards** - using Council's Logo;

7.2.3. **Carer Expenses** – Council will reimburse the reasonable costs of carer arrangements, including childcare expenses and care of the elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations.

Note:

- i) Reimbursement of reasonable costs will only be available to enable the Councillor's attendance at essential Council activities and will be the subject of a separate application by the affected Councillor in each instance, for determination by the General Manager.
- ii) Child/dependant care expenses are not to be reimbursed if the care is provided by a relative of the Councillor who ordinarily resides with the Councillor. A 'relative' is defined as a spouse, defacto partners, parent, son, daughter, brother, sister or grandparent.
- iii) Childcare will only be provided to children of the Councillor up to an including the age of 16 years.

- iv) After approval, Council will reimburse actual expenses incurred by Councillors in this regard upon submission of a claim (in line with the Claims Procedure at Clause 12) supported by receipts and details of the activity attended. The maximum entitlement for such expenses in accordance with the monetary limits set at 6.2.1.

7.2.4. **Computer** – Council will reimburse the cost of a laptop computer and other forms of electronic services as deemed necessary for business paper distribution and communications, as per Clause 6.2.3.

7.2.5. **Computer Software** – Council will reimburse the cost of appropriate software to work with documents supplied by Council, as per Clause 6.2.3.

7.2.6. **Computer/Tablet Training** - Training to be arranged through local providers.

7.2.7. **Computer/Tablet Support** – Provided by hardware supplier/local providers in accordance with monetary limits set in 6.2.3 c).

7.2.8. **Email Address** - Councillor emails are to be in the format:

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

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

7.2.9. **Fax/Printing Equipment**

- a) Council will reimburse the purchase cost of a multi-function fax/printer/scanner for use at place of residence or business.
- b) Maintenance/servicing and consumables to be provided by external providers and the costs to be reimbursed by Council.
- c) Monetary limits are in accordance with Clause 6.2.3.
- d) The fax number is to be provided to the public.

7.2.10. **Filing** - Up to a four (4) drawer filing cabinet and associated equipment to be used in place of residence.

7.2.11. **Internet - fixed or mobile**

Council will meet the cost of Internet (data) charges, fixed or mobile (as required) involved in the conduct of Council business, as per Clause 6.2.2.

7.2.12. **Landline Installation Costs** - The Council shall:-

- a) Meet the initial cost of installation, where necessary, of the equipment in the residence of the Councillor, including one (1) additional extension point for an existing phone line or one (1) separate point for a dedicated line.
- b) Meet the cost of any maintenance/servicing of the equipment including any service call charge.
- c) The land line number is to be made available to the public.

7.2.13. **Meals:** Provide sustenance prior to or during Council's official Meetings and meetings of Councillors with Parliamentary representatives visiting dignitaries and other delegations, including vegetarian or other specific sustenance for any Councillor who notifies such preference;

7.2.14. **Mobile and Landline Monthly Charges**

- a) After initial set up costs for telephone lines, internet broadband and fax, the maximum payable by Council to enable Councillors to conduct their civic duties will be as stated in Clause 6 "Payment of Expenses – Monetary Limits".
- b) Council will meet the monthly cost of a mobile and/or landline plan within the limits set by Clause 6.2.2.
- c) Individual Councillors are to meet the cost of accounts above the limit set in Clause 6.2.2.
- c) The mobile and landline number is to be made available to the public.

7.2.15. **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.

7.2.16. **Support Service**

- a) Publishing council information, including business papers, memos and workshop presentations which is accessibly to Councillors via the web or tablet application
- b) Coordination of the shared Councillors' Diary
- c) Conference registration
- d) Expense reimbursement
- e) Catering for meetings and workshops
- f) Provision of stationery as per 7.2.17

7.2.17. **Stationery** - Use of official stationery and supplies to carry out official duties;

7.2.18. **Transport** to official functions (if needed) when deputising for the Mayor;

7.2.19. **Use of Private Equipment** - Councillors may use their existing telecommunications lines. Reimbursement for use will be made in accordance with the monetary limits set in 6.2.2. No retrospective payments will be made on existing line rentals.

If this option is used, Councillors are encouraged to make their landline telephone and fax numbers available to the public. All contact numbers are to be provided to staff.

7.2.20. **Vehicles** - Access to suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with the office of a Councillor.

7.3. Acquisition and return of facilities and equipment by Mayor and Councillors

- a) Return to Council all Council provided equipment. Councillors are to arrange for disconnection of services, subscriptions or mobile phone plans in their own name.
- b) The equipment may be purchased by the Mayor or Councillors at either trade in value or the price Council would obtain for its disposal of particular items.
- c) Council may require reimbursement of a portion of the monetary value of the equipment if he/she resigns in the first 12 months of service.

8. ATTENDANCE AT CONFERENCES, SEMINARS AND TRAINING

8.1. Who may attend conferences, seminars and training

8.1.1. Councillors may be authorised to attend conferences, seminars and similar functions by:-

- a) Preferably, the Council, through resolution duly passed at a Council meeting arising from a report to Council or a notice of motion by a Councillor
- b) The General Manager and Mayor jointly, provided the attendance is within the guidelines in Clause 8.4.2 of this policy
- c) The Mayor, provided the Councillor is a substitute for another Councillor previously authorised to attend that conference.

8.2. What Conferences and Seminars may be attended

8.2.1. The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:

- a) Local Government NSW Annual Conference (LGA and Australian local Government Association (ALGA) Conferences;
- b) Special “one-off” conferences called or sponsored by or for LGNSW on important issues;
- c) Annual conferences and congresses of the major professions in local government;
- d) Australian Sister Cities Conferences;
- e) Regional Organisation of Councils Conferences
- f) Conferences which advance the professional development of elected members in their role as Councillors.
- g) 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.
- h) Seminars which further the training and development efforts of the Council and within the budget framework.

8.3. Training and Development

8.3.1. Council supports and encourages an active learning process and skills development in addition to providing for attendance at seminars and conferences

related to Council functions. It is essential that the training or educational course is directly related to the Councillor's civic functions and responsibilities and within budget parameters.

8.4. Guidelines for Authorisation

8.4.1. A resolution of Council is required to authorise attendance of Councillors at:

- a) LGNSW Conference(s) as a voting delegate
- b) National General Assembly of Local Government as a voting delegate
- c) Overseas conferences
- d) Any other discretionary conference, seminar or training.

8.4.2. Any discretionary conference, seminar or training (as per (d) above) not able to be authorised at a Council meeting the General Manager and Mayor jointly may authorise Councillors' attendance at:

- 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 not able to be authorised at a Council meeting the Deputy Mayor and General Manager jointly may authorise the Mayor's attendance.

Councillors or Mayor's attendance at conferences authorised by the General Manager and Mayor will be reported to the next quarterly review of the Management Plan.

8.4.3. The General Manager may approve the Mayor and Councillors' attendance at events/forums held in the local area up to the value of \$100.

8.4.4. Procedures:

- a) Staff will prepare a report to Council inviting nominations to attend the following conferences:
 - Local Government NSW Annual Conference
 - National General Assembly of Local Government
- b) Submission of motions for consideration by Council will be done by notice of motion, which can be considered during the year.
- c) 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.
- d) All other conference 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.

8.5. Reporting requirements following Councillor and Mayor’s attendance at the Conference, Seminar or Training

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 or training 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 or Seminar.

8.6. Registration

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

8.7. Travel Expenses Incurred

Payment or reimbursement of expenses incurred when travelling to conferences and seminars of local government related organisations at which attendance has been approved.

8.7.1. the travel is undertaken with all due expedition, and by the shortest practicable route;

8.7.2. All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train. Where trains are used, the Council will provide first class travel, including a sleeping berth where necessary.

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

8.7.4. Cost of vehicle hire and/or taxi fares which are reasonable and incurred while attending conferences will be reimbursed by the Council.

8.8. Accommodation

Reasonable accommodation costs (including meals), including the night before and/or after the conference, seminar, meeting or function including entertainment but excluding expenses of a normal private nature.

The reasonable daily accommodation amount will be in accordance with the Taxation ruling for that year.

8.9. Out of Pocket Expenses Incurred

So that Councillors, as delegates of the Council attending conferences which involve an overnight stay are not thereby financially disadvantaged, each Councillor attending in pursuance of a Council resolution or Mayoral authority, shall be entitled to an “out-of-pocket” allowance.

- 8.9.1. only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses to a maximum \$100 per day;
- 8.9.2. 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;
- 8.9.3. any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
- 8.9.4. the claim is made not later than three (3) months after the expenses were incurred, and upon a official receipt for payments.

8.10. Payment In Advance

The Council will normally pay registration fees and can pay, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto will be paid to the attendee in advance or following the receipt of an expense claim form attaching proof of payment where the Councillor has personally made payment. Note 8.7 and 8.8 for “reasonable amounts” to be claimed. Refer to 12.1 for the claims procedure.

An allowance for estimated “out-of-pocket” expenses (up to \$100 per day) may be paid to an attendee in advance upon request, subject to a reconciliation statement, verification of expenses and the refund of any unexpended amount being submitted within seven (7) days of the close of the conference, seminar or function.

8.11. Overseas Conferences/Seminars etc.

Attendance by a Councillor at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events, etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the council and such resolution shall specify and detail the conditions of attendance.

9. WHERE EXPENSES MAY NOT BE USED

9.1. Political fundraising

Councillors may not claim expenses to support attendance at political fundraising functions.

9.2. Communication expenses

Individual Councillors or groups of Councillors may not claim expenses to produce and disseminate personalised pamphlets, newsletters and the like without the prior approval of Council being obtained via Council resolution.

10. PAYMENT OF EXPENSES FOR SPOUSE/PARTNER OR ACCOMPANYING PERSON

10.1. Payment of expenses for Spouse/Partner or Accompanying Person at Conferences.

10.1.1. Where the Councillor is accompanied by his or her spouse/partner or accompanying person (ie. a person who has a close personal relationship with the councillor and/or provides carer support to the councillor), all costs for the spouse/partner or accompanying person, including travel, meals and room upgrades are to be met by the Councillor or spouse/partner of accompanying person.

10.1.2. The spouse/partner or accompanying person's registration and or program fees (if attending), are to be paid to the conference organiser and paid at time of registration. The Council is prepared to receive such registration and payments and forward them on to the conference organiser with any Councillor's registration.

10.1.3. Where Council meets, on account, any expenditure or costs on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

10.1.4. Limited expenses of spouses, partners and accompanying persons will be met by Council in association with the Mayor or Councillors' attendance at the Local Government Association's Annual Conference. These expenses will be limited to registration costs and attendance at the conference dinner. Any additional travel and accommodation expenses and the cost of partner tours etc. will be the personal responsibility of the individual Councillor or spouse/partner or accompanying person.

10.2. Payment of expenses for Spouse/Partner or Accompanying Person at Official Council Functions.

10.2.1. Council will meet reasonable costs for spouses/partners or accompanying persons when accompanying Mayor or Councillors at official council functions that are of a formal and ceremonial nature within the Byron Shire. Examples include but not limited to, Australia Day award ceremonies, civic receptions and

charitable functions or events formally supported by the Council.

10.2.2. Council will also meet reasonable costs for a spouse/partner or accompanying person of the Mayor, or a Councillor when they are representing the Mayor, at an official function of the Council, or carry out an official ceremonial duty while accompanying the Mayor (or Councillor representing the Mayor) outside the Local Government area, but within the State or South East Queensland.

10.2.3. Payment of expenses for a spouse, partner or accompanying person when attending the abovementioned appropriate functions, will be limited to the ticket, meal or the direct cost of attending the function. Additional expenses such as accommodation, transport, grooming or special clothing are not considered to be reimbursable expenses.

11. INSURANCES

11.1. Personal Accident Insurance

Whilst ever on Council business, world-wide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death of \$500,000. Also covering permanent disablement, temporary total disability. The cover does not include medical expenses. Full details of personal accident insurance are available in Council's Insurance Manual held by the Risk Management Officer.

11.2. Professional indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, provided the performance or exercise of the relevant civic duty of function is in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover, shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.

11.3. Public Liability

For matters arising out of Councillor's performance of civic duties or exercise of their functions as Councillors; subject to any limitation or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.

11.4. Statutory Liability

It provides protection against fines or penalties arising out of breaches of Acts of Parliament, plus the legal costs accrued in defending Council as an entity, individual Councillors and officers so long as the act was not wilfully committed. The policy will cover costs accrued before an individual is named in proceedings. Costs are then referred to Councillors and Officers policy.

11.5. Councillors and Officers Liability

This policy provides the main protection against personal liability for individual councillors and officers for matter arising from employment practices, civil fines and penalties and their defence costs, pollution defence costs and inquiries/investigations.

12. CLAIMS PROCEDURE

- 12.1. Councillors must provide a certified claim in the form at Appendix A for all travel and out of pocket expenses incurred. All claims must be accompanied by tax invoice receipts.
- 12.2. All claims should be made monthly unless otherwise specified. At the end of each financial year any claims outstanding for the previous financial year must be submitted in the first week of July.
- 12.3. All reimbursement of expenses must be approved by the General Manager.
- 12.4. All expenses being reimbursed must be in accordance with the provisions of this Policy.
- 12.5. The Mayor's Mastercard expense claims must be accompanied by Appendix A "Allowance Claim Form". All expenditure must be accompanied by Tax invoice receipts and remitted monthly by a date determined by the Finance Department.

13. DISPUTE RESOLUTION PROCESS

Should a dispute arise about the provision of expenses and facilities, or when an expense claim is not approved by the General Manager, then the disputed decision should be reviewed by the Internal Audit Committee, with a report to the full Council meeting.

14. GIFTS AND 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 (clause 8.1)

15. LEGAL EXPENSES AND OBLIGATIONS

- 15.1. Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.
- 15.2. In the particular circumstances outlined below, Council may therefore indemnify or reimburse the reasonable legal expenses of a Councillor:
 - 15.2.1. defending an action arising from the performance in good faith of his or her functions as a Councillor as referred to in s731 of the Local Government Act 1993; or
 - 15.2.2. defending an action in defamation provided the statements complained of were made in good faith in the course of exercising his or her functions as a Councillor; or

15.2.3. for proceedings before any investigative or review body provided the conduct being investigated arises from the performance in good faith of his or her functions as a Councillor under the Local Government Act 1993, that the matter before the investigative or review body has progressed 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:-

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal
- (ii) Independent Commission Against Corruption
- (iii) Office of the NSW Ombudsman
- (iv) Division of Local Government, Department of Premier and Cabinet
- (v) NSW Police Force
- (vi) Director of Public Prosecutions
- (vii) Council's Conduct Review Committee/Reviewer

15.2.4. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by the General Manager to the Conduct Review Committee to make formal enquiries into the matter in accordance with the procedures in Council's Code of Conduct.

15.2.5. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

15.3. Legal expenses incurred in relation to proceedings or investigations arising out of the performance by a Councillor or his or her functions as a Councillor are to be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain which type of expense would not be reimbursed.

15.4. Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances.

15.5. Council will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

15.6. Council will not meet the costs in respect of any legal proceedings initiated by any Councillors, acting as individuals, in any circumstances.

15.7. The amount of expenses that may be reimbursed to a Councillor shall be reduced by the amount of any money that are recouped by the Councillor on any basis.

15.8. The approval of Council is required to be sought and gained, where possible, prior to legal expenses being incurred.

16. REFERENCE TO COUNCILLOR

A reference in this policy to a Councillor includes the Mayor, unless the contrary is expressly indicated.

ANNEXURE A – 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 Council Agreement (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. All receipts for sundry items are attached to this Claim Form.

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	\$ _____

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