



Council Document

CORPORATE SERVICE & GOVERNANCE

1.9 PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS

Draft

POLICY: 1.9
Payment of Expenses and the Provision of
Facilities to the Mayor and Councillors

COUNCIL MEETING DATE: 28 June 2010

MINUTE NO.: [type here]

DOCUMENT COMMENCEMENT DATE: N/A

RELEVANT LEGISLATIVE PROVISIONS: Local Government Act 1993 (Division 5, Section
248 - 254)
Guidelines issued under Section 23A of the
Local Government Act 1993
Local Government (General) Regulation 2005

COUNCIL DEPARTMENT: Corporate Services

CONTACT OFFICER: Director-Corporate Services

REVISION REQUIRED: Annually

REVISION HISTORY:

Version	Council Resolution	Council Meeting / Commencement Date	Responsible Officer
1	90/2004	12 July 2004	Director-Corporate Services
2	20/2005	29 March 2005 (Item 4)	Director-Corporate Services
3	62/2008	25 March 2008	Director-Corporate Services
4		28 June 2010	Director-Corporate Services

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PART I – INTRODUCTION

1.1. Title and Commencement of Policy

This policy is titled *Payment of Expenses and the Provision of Facilities to the Mayor and Councillors*

This policy was adopted by Council on 25 March 2008 and commenced on 26 March 2008. It replaces the previous policy titled “Councillors - Payment of Fees and Expenses and Provision of Facilities to Councillors Policy”.

1.2. Purpose of the Policy

The purpose of this policy is to comply with the guidelines issued by the Department of Local Government (October 2009) and to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors and that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

1.3. Objective and Coverage of the Policy

- 1.3.1. To comply with the mandatory provisions of Sections 248, 249, 250, 251, 252, 253 and 254 of the Local Government Act, 1993 and Local Government (General) Regulation 2005 and other NSW Government policy provisions including Department of Local Government (DLG) Guidelines, Circulars to Councils, Model Code of Conduct for local Councils in NSW and ICAC publications.
- 1.3.2. To provide clear guidelines on what types of expenses Councillors are entitled to claim payment for from the Council.
- 1.3.3. To provide clear guidelines on which Council equipment may be used by Councillors and for the frequency with which equipment may be used and the process to be followed in using it.
- 1.3.4. To provide clear guidelines on what facilities are made available to the Mayor above and beyond the facilities made available to other Councillors.
- 1.3.5. To ensure that no Councillor suffers financial hardship by meeting their civic responsibilities and obligations.
- 1.3.6. To ensure that no Councillors suffer hardship by reason of meeting their civic responsibilities as an elected person.
- 1.3.7. To adequately reimburse Councillors for expenses incurred in the performance of their duties, including expenses incurred in becoming adequately informed on subjects relevant to their civic duties over and above the payment by Council of Councillors’ annual fees which are a matter for the Local Government Remuneration Tribunal.

I.4. Making and Adoption of the Policy

- I.4.1. Council must implement Section 253 of the *Local Government Act 1993* before adopting or amending a policy. Council must give public notice of its intention and allow at least 28 days for public submissions. Council must consider any submissions received and make any appropriate changes to the policy. Council does not need to give public notice of a proposed amendment to the policy, **if the amendment is not substantial**. Within 28 days of adopting or amending the policy, the policy and details of submissions are to be forwarded to the Director-General of the Department of Local Government.
- I.4.2. The term “not substantial” should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Substantial amendments to the policy that could include larger changes to monetary limits than the limit noted above, and/or major changes to the standard of provision of equipment and facilities, will require public notice of the amendment. Any **new** category of expenses, facilities and equipment included in the policy will also require public notice.
- I.4.3. Note that Council must adopt a policy each year even if the policy is the same as the existing policy. As noted above, public notice must be given prior to the annual adoption process and the policy forwarded to the Director-General of the Department of Local Government by 30th November each year.
- I.4.4. Council will review this policy in September each year.
- I.4.5. Following adoption of the policy a copy will be made available on Council’s website at www.cowraregion.com.au

I.5. Reporting Requirements

- I.5.1. Section 428 of the *Local Government Act 1993* requires Councils to include in their annual report:
- The Council’s policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors;
 - The total amount of money expended during the year on providing those facilities and paying those expenses;
 - Additional information as required by the Local Government (General) Regulation 2005.
- I.5.2. In December 2006 additional reporting requirement provisions were incorporated into the Local Government (General) Regulation 2005.
- I.5.3. Clause 217 (Additional information for inclusion in annual reports) states in part:
- “(I) For the purposes of Section 428 (2) (r) of the Act, an annual report of a Council is to include the following information:

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- (a) details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations);
- (b) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillor or reconciled with the Councillor), including separate details on the total cost of each of the following:
 - (i) the provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillors' homes (including equipment and line rental costs and internet access costs but not including call costs);
 - (ii) telephone calls made by Councillors, including calls made from mobile telephones provided by the Council and from landline telephones and facsimile services installed in Councillors' homes;
 - (iii) the attendance of Councillors at conferences and seminars;
 - (iv) the training of Councillors and the provision of skill development for Councillors;
 - (v) interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses;
 - (vi) overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses;
 - (vii) the expenses of any spouse, partner or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time;
 - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions.

I.6. Legislative Provisions

I.6.1. Provisions under the Local Government Act 1993

- I.6.1.1. Changes to Sections 252(5) and 253 of the Local Government Act 1993, made by the Local Government Amendment Act 2005, require Councils to make and submit their

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expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the Local Government Act 1993 requires Councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to Mayors, deputy Mayors and other Councillors. Mayors and Councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a Council to reduce the amount payable to Mayors and Councillors (under Sections 248-251 of the Local Government Act 1993) by the amount representing any private benefit of a facility provided by the Council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under Section 23A of the Act.

Section 252 states:

- (1) 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.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.
- (3) A Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a policy under this Section.
- (4) A Council may from time to time amend a policy under this Section.
- (5) A policy under this Section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under Section 23A.

1.6.1.2. Section 253 specifies actions that Council must undertake before a policy concerning expenses and facilities can be adopted or amended.

Section 253 states:

- (1) 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.
- (2) 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.
- (3) 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

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facilities if the Council is of the opinion that the proposed amendment is not substantial.

- (4) 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).
 - (5) 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.
- 1.6.1.3. Section 254 requires that a part of a Council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.
- 1.6.1.4. Section 12 provides that the public is able to inspect during office hours at the Council, and at no charge, the current version and the immediately preceding version of the Council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.
- 1.6.1.5. Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a Council of any of its functions. It also requires that a Council must take the relevant guidelines into consideration before exercising any of its functions.

1.6.2. Provisions under the Local Government (General) Regulation 2005

- 1.6.2.1. Clause 403 (Payment of expenses and provision of facilities) states:
"A policy under Section 252 of the Local Government Act 1993 must not include any provision enabling a Council:
- (a) *to pay any Councillor an allowance in the nature of a general expense allowance; or*
 - (b) *to make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor."*
- 1.6.2.2. Clause 404 (Circumstances in which Councillors' annual fees may be reduced or not paid) states:

"For the purpose of Section 254A of the Act, a prescribed circumstance for the non-payment or reduction of a Councillor's annual fee is the circumstance where both of the following conditions are satisfied:

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- (a) *the payment of the annual fee adversely affects the Councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State (including New South Wales),*
- (b) *the Councillor agrees to the non-payment or reduction."*

1.6.2.3 The policy does not provide reimbursement of payment of expenses of a private benefit unless such are incidental expenses.

1.7. Other Government Policy Provisions

1.7.1. Department of Local Government Guidelines

As noted above under Section 252(5) of the Local Government Act 1993 the Council expenses policy must comply with these guidelines issued under Section 23A of the Act.

1.7.2. Department of Local Government Circulars to Councils

The policy must take into account the following Circulars:-

- Circular 05/08 Legal assistance for Councillors and Council employees.
- Circular 08/24 Misuse of Council Resources
- Circular 08/37 Council Decision Making Prior to Ordinary Elections

As previously stated, these guidelines replace Circular 04/60 *Policy on payment of facilities to the Mayor, deputy Mayor and other Councillors.*

1.7.3. The Model Code of Conduct for Local Councils in NSW

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008*. The following parts of the code are particularly relevant to s252 policies:

“Use of Council Resources

- 10.12 *You must use Council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*
- 10.14 *You must be scrupulous in your use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 10.15 *You must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.*
- 10.16 *The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not*

appropriate. Council letterhead, Council crests and other information that could give the impression it is official Council material must not be used for these purposes.

10.17 *You must not convert any property of the Council to your own use unless properly authorised.”*

1.7.4. ICAC Publication - No Excuse for Misuse, Preventing the Misuse of Council Resources

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication “*No Excuse for Misuse, preventing the misuse of Council resources (Guidelines 2)*” November 2002. This publication is available on the ICAC website at www.icac.nsw.gov.au.

2. PART 2 – PAYMENT OF EXPENSES

2.1. Approval Arrangements For Claiming Expenses and Use of Facilities

- 2.1.1. Reimbursement of expenses shall only be made upon the production of appropriate receipts and/or tax invoices and the completion of the required claim forms.
- 2.1.2. All reimbursement of expenses must be approved by the General Manager or his delegate and Mayor or Deputy Mayor. Expenses must not be approved by one sole decision maker.
- 2.1.3. Expenses will only be reimbursed in accordance with the provisions of this policy.
- 2.1.4. A Councillor seeking reimbursement must lodge a claim within 3 months of the expense being incurred.
- 2.1.5. Overseas travel must be approved by a meeting of full council prior to the Councillor taking a trip and must be included in the Council business paper for that meeting and not through a Mayoral Minute. Upon the Councillors return, a report on the visit must be presented to Council.

2.2. Annual Fees

Councillors’ annual fees do not fall within the scope of this policy.

2.3. General Provisions

2.3.1. Payment of Expenses Generally (principles and processes)

2.3.1.1. Allowances and Expenses

Council does not provide general allowances to Councillors. Councillors are entitled to the expenses set out in this policy provided that they satisfy the stated requirements.

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2.3.1.2. Reimbursement and Reconciliation of Expenses

Before Council will pay for an expense under this policy, Councillors must request reimbursement in a formal written claim lodged not later than three months after the expense was incurred.

Each claim must include original receipts, or tax invoices (where GST applies), to be considered for reimbursement. Council will pay properly documented claims within seven days of the submission of the claim.

With the exception of claims for travel where the Councillor's private vehicle has been used, any claim where the expense incurred is greater than \$55.00 inclusive of GST, a Tax Invoice **must** be provided. Failure to provide a valid Tax Invoice will result in an amount equal to the GST component being deducted from the reimbursement.

2.3.1.3. Payment in advance

Where it is not appropriate or practicable for Council to pay in advance for a Councillor to attend a conference, seminar or other event, a cash or cheque equivalent will be paid to the Councillor in advance.

Councillors must reconcile all expenses against the amount of the advance within 30 days of returning from the event concerned, and present the reconciliation to Council with all receipts, or tax invoices if GST applies.

All funds not expended on official business must be reimbursed to Council within a further 30 days. Council is entitled to deduct from the Councillor's monthly fees any amounts outstanding after this time.

2.3.2. Establishment of Monetary Limits and Standards

Cowra Shire Council will review the limits applicable to its payments of expenses for Councillors on an annual basis when preparing the Management Plan. For the current year (2009/2010) Council's budget contains the following allocations:

■ Mayoral expenses	\$ 8,149
■ Mayoral motor vehicle expenses	\$ 19,769
■ Travelling expenses all Councillors	\$ 11,642
■ Conference/ seminar expenses	\$ 13,993
■ Training, skills and development	\$ 11,840
■ Councillor interstate visits	\$ 3,767
■ Councillor partner/spouses expenses	\$ 3,767
■ Councillor carer expenses	\$ 500
■ Telephone/Facsimile expenses all Councillors	\$ 3,014

2.3.3. Spouse and Partner Expenses

2.3.3.1. The Council shall meet the following costs of an accompanying person for attending:

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- (a) Local Government Association and Local Government Shires Association Annual Conferences;
- (b) The costs of registration and any official conference dinners of the Mayor's or Councillor's accompanying person in attending the annual conferences of the Local Government and Shires Associations, but excluding any travel expenses, additional accommodation expenses and any optional personal tours which shall be the personal responsibility of the individual Councillor.
- (c) Official Council Functions within area.
- (d) Costs incurred by the Mayor or a Councillor on behalf of, or by, an accompanying person in attending official Council functions of a formal and ceremonial nature within the Cowra Shire local government area, such as Australia Day awards ceremonies, citizenship ceremonies, civic receptions, Mayoral Receptions and the annual Christmas function held for Council and Senior Staff.
- (e) Community Organised Functions within area
- (f) Community organised functions to which the Mayor or Councillors and their partners have been invited to attend as representatives of Council. The latter would include but not be limited to events such as balls, annual dinners of service organisations, Sportsman Of The Year awards and Better Business awards.

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

2.3.3.2. The Council shall not meet the costs of an accompanying person for attending:

- (a) Functions outside the area

Any event, function, seminar or conference outside the Council area, including interstate and overseas other than the annual conference of the Local Government and Shires Associations as provided for in (a) 2.2.3 above. In these situations all costs, including any additional accommodation costs, must be met by the Councillor or the spouse/partner/accompanying person.

2.3.4. Private Benefit

Councillors are not to receive private benefit from Council expenses such as frequent flyer points or other loyalty schemes.

2.3.5. Political Benefit

Council facilities must not be used for the production of election material such as pamphlets etc.

No payment will be made by council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidates electoral fund or for some other private benefit.

2.3.6. Token Gifts

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 a policy developed by the Council.

2.3.7. Participation Equity And Access

- (a) Councillor expenses and facilities are designed to be non-discriminatory, equitable and encourage participation of council by people from diverse backgrounds that represent the demographics of the local community.
- (b) Council also provides in its budget an allocation for carers leave to ensure that any person in the role of primary caregiver may be able to seek election to Council and not be financially disadvantaged.

2.3.8. Dispute Resolution – Payment of Expense Claims

Approval for expenses claimed as a result of attendance at a conference, seminar or function for which there is no formal Council resolution to attend will normally be made jointly by the General Manager and the Mayor (or if the claim is made by the Mayor, the General Manager and the Deputy Mayor or another Councillor). In the event of a dispute as to the payment of expenses claimed by a Councillor the General Manager will prepare a report for consideration to the corporate meeting and then that recommendation will be taken to the Council meeting where Council's decision will be final.

2.4. Specific Expenses for Mayors and Councillors

2.4.1. Attendance at Conferences and Seminars

2.4.1.1. Who May Attend Conferences and Seminars

- 2.4.1.1.1. A Councillor who wishes to undertake a trip or attend a conference or similar event must provide a written or emailed request to the Mayor, unless invited to attend by the Mayor. If the trip or attendance is interstate, the Councillor should submit the itinerary and cost for consideration.

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- 2.4.1.1.2. Attendance will be subject to the joint approval of the Mayor and the General Manager.
- 2.4.1.1.3. If the Mayor requires approval it will be subject to the joint approval of the Deputy Mayor and the General Manager.
- 2.4.1.1.4. Council will allocate up to \$13,993 in 2010/11 (excluding GST) to fund attendance at conferences and similar events. However, Council may agree to allocate additional funds in specific cases where it decides that there is a benefit to Council from the attendance.
- 2.4.1.1.5. The Mayor may nominate a substitute attendee including the Deputy Mayor or another Councillor in his or her stead on those occasions where the Mayor is unable to be present.
- 2.4.1.1.6. After returning from the conference, Councillors or a member of Council staff accompanying the Councillor(s) should provide a written report to Council on the aspects of the conference relevant to Council business and/or the local community. No written report is required for the annual conferences of the Local Government and Shires Associations.
- 2.4.1.2. Attendance at Conferences and Seminars

The conferences to which this policy applies shall generally be confined to:-

- Shires Association annual conference
- Local Government Association annual conference
- Australian Local Government Association annual conference;
- Special “one-off” conferences called or sponsored by the LGSA and/or ALGA on important issues;
- Annual Conference of the major Professions in Local Government;
- Regional Organisations of Councils Conference;
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council’s functions;
- Any Meetings or Conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to as a delegate of the Council;
- Other conferences that may be attended would include those listed in the report provided to Council (from time to time) adopting the delegates/duty delegates.

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2.4.1.3. Registration

The Council will normally pay in advance for all accommodation (double room of an adequate standard), and normal registration costs charged by organisers, including the costs of related official luncheons, dinners and tours that are reasonably relevant to the interests of Council or assist Councillors to discharge the functions of their civic office.

2.4.1.4. Incidental Expenses

Reasonable out of pocket or incidental expenses associated with councillors attending conferences, seminars or training courses may be reimbursed provided that it can be demonstrated that the expenses were actually incurred and that established reconciliation procedures are followed, for example, the completion of a claim form. A claim form must include an itemised account of expenditure and should not be general in nature.

Incidental expenses could reasonably include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation. It is expected that councils would specify daily limits to these out of pocket or incidental expenses in their policy. All advanced payments are required to be reconciled.

2.4.1.5. Training and Educational Expenses

2.4.1.1.5. In addition to attending conferences, Councillors are encouraged to undertake training and educational courses, and attend seminars and briefings from key members of the community, politicians and business that are directly related to their civic functions and responsibilities.

2.4.1.1.5. A Councillor who wishes to attend a training and educational course, or attend a seminar or briefing, must provide a written request to the General Manager stating the reasons why the Councillor wishes to attend and what benefits it will bring to Council, unless invited to attend by the Mayor. The approval will be subject to the joint approval of the Mayor and the General Manager. If the Mayor requires approval it will be subject to the joint approval of the Deputy Mayor and the General Manager.

2.4.1.1.5. Council will make an annual budget allocation to fund relevant training and educational courses, and attendances at seminars and briefings. However, Council may agree to allocate additional funds in specific cases where it decides that there is a benefit to Council from the attendance. This allocation is for all Councillors taken together and the Mayor and General Manager will ensure that access to training and educational courses is distributed equitably.

2.4.1.1.5. Council will reimburse expenses incurred while at training or educational courses, or seminars or briefings, to the limits of, and in the same way as, the allowances referred to under clause 2.4.1.4 'Incidental Expenses' above. However, expenses that are additional to the service component, such as political donations or some other private benefit, are excluded.

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2.4.1.6. Local Travel Arrangements and Expenses

Councillors are entitled to claim "kilometrage" allowance for use of private vehicles to drive from their home to and from:

- Council or Committee meetings;
- appointments within the Cowra Shire area involving Council business;
- inspections within the Cowra Shire area, undertaken according to a resolution of the Council;
- functions or meetings where they act as a representative of the Mayor or Council when requested by the Mayor;
- functions or meetings where the invitation to attend arises only as a result of their position as a Councillor;

Provided that:

- the travel is undertaken expediently, and by the shortest practicable route, subject to personal medical considerations or special needs;
- "kilometrage" rates will be paid at the then current rate set by the appropriate Local Government Award.

The driver is personally responsible for all traffic, speeding or parking fines incurred while travelling in private or Council vehicles on Council business. Where the Councillor is not the driver, the Councillor shall ensure that all traffic, speeding or parking fines are paid.

2.4.2. Travel Outside the Cowra Shire Area Including Interstate Travel

2.4.2.1. Travel is to be undertaken by the shortest practicable route, subject to personal medical considerations or special needs;

2.4.2.2. Council will meet all reasonable travel costs associated with an approved attendance. Travel may be by air, private or hire car, train, coach or taxi.

2.4.2.3. Where air travel is appropriate, it will be provided by economy class.

2.4.2.4. Wherever possible and appropriate a Council vehicle will be made available for use by a Councillor travelling outside the Cowra Shire boundary on approved Council business.

2.4.2.5. Travel by private or hire vehicle shall be permitted provided that:

- The Councillor has first inquired of the General Manager as to the availability of a Council vehicle;
- the travel is undertaken expediently, and by the shortest practicable route, subject to personal medical considerations or special needs;
- "kilometrage" rates will be paid for private vehicles at the then current rate set by the appropriate Local Government Award;

- payment will not exceed the cost of economy class airfares to and from the particular destination.

2.4.3. Telephone and PDA Costs and Expenses

2.4.3.1. If a Councillor uses his or her fixed phone/mobile phone for official business, Council will:

- reimburse the cost for official calls up to a maximum value of \$50.00 per month (including GST); OR
- reimburse the network, line rentals, leasing or acquisition costs of a mobile phone to a maximum value of \$50.00 per month (including GST); OR
- reimburse costs including a combination of the two options above to a maximum value of \$50.00 per month (including GST).

2.4.3.2. Reimbursement of call costs or PDA expenses applies to a phone or PDA owned or leased by a Councillor, and extends to include a PDA or phone acquired before the commencement of this policy, or subject to a lease or network access plan which existed before the commencement of this policy, and which continues after the commencement of this policy.

2.4.3.3. Charges in excess of \$50.00 per month (including GST) are the responsibility of the Councillor.

2.4.3.4. Where a Councillor uses a prepaid telephone or PDA, the claim must include an activity statement from the service provider, where available, or such other proof of the amount of official calls as the General Manager requires.

2.4.3.5. Councillors must seek reimbursement in a formal written claim lodged not later than three months after the expense was incurred.

2.4.3.6. Council will pay properly documented claims within seven days of the submission of the claim.

2.4.3.7. "PDA" includes personal digital assistants, smart phones or PDA phones, whether or not they include computing, telephone, wireless internet and/or wireless email functionality.

2.4.4. Internet

Internet access, other than that associated with telephone and PDA costs and expenses, is part of the facilities provided to Councillors under part 3 below.

2.4.5. Care and Other Related Expenses

2.4.5.1. Council will reimburse Councillors for the reasonable cost of child/dependant care services (including care of elderly, disabled and/or sick immediate family members of

Councillors) incurred while attending Council meetings, Committee meetings, workshops, briefing sessions and other meetings relating to Council's operations.

- 2.4.5.2. Councillors will be reimbursed for expenses associated with child/dependent care paid to providers other than immediate family, spouse or partner up to 1 hour before and after such meetings (based on advertised commencement time) subject to the prescribed form being completed and/or the production of appropriate documentation/receipts.
- 2.4.5.3. The amount of reimbursement will be the actual cost incurred, with a maximum of \$10.00 per hour applying.

2.4.6. Insurance Expenses and Obligations

Councillors are to receive the benefit of insurance cover for:

- **personal injury** for matters arising out of Councillor's performance of civic duties or exercise of their functions under the Act but subject to any limitations set out in the policy of insurance that is, at the direction of Council, taken out;
- **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 is, in the opinion of Council, in good faith or proper. But subject to any limitations or conditions set out in the policy of insurance that is, at the direction of Council, taken out;
- **public liability** for matters arising out of Councillor's performance of civic duties or exercise of their functions under the Act but subject to any limitations set out in the policy of insurance that is, at the direction of Council, taken out.

2.4.7. Legal Expenses and Obligations

- 2.4.7.1. Council may by resolution indemnify or reimburse the reasonable legal expenses of the following provided that the outcome of the legal proceedings is favourable to the Councillor:
- A Councillor defending an action arising from the performance, in good faith, of a function under *the Local Government Act*; or
 - A Councillor defending an action in defamation provided the statements complained of were made in good faith while exercising a function under the *Local Government Act*; or
 - Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the *Local Government Act* should 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.
- 2.4.7.2. It should be noted that Council would not meet the costs of an action in defamation taken by a Councillor in any circumstances where legal proceedings are initiated by a

Councillor or where legal proceedings involve the Councillor not undertaking their role as a Councillor.

2.5. Additional Mayoral Expenses

2.5.1. Mayoral Annual Expenses

1.5.1.1. In addition to the Annual Fees payable under Sections 248 and 249 the Mayor shall have access to an expense account, equivalent to the amount specified in the annual budget, to be drawn upon for items of benefit to the community which are incidental to execution of his/her official duties. Such expenses will be countersigned by the General Manager.

1.5.1.2. Other expenses incurred by the Deputy Mayor and Councillors, whilst representing the Mayor or Council, may be payable from this expense account, subject to the approval of the Mayor and General Manager.

2.5.2. Corporate Credit Card

The Mayor is to be provided with a Cowra Shire Council corporate credit card for official Council purposes.

2.5.3. Corporate Fuel Card

The Mayor is to be provided with a Cowra Shire Council corporate fuel card for the purposes of providing fuel to the vehicle provided to the Mayor for official Council purposes.

3. PART 3 – PROVISION OF FACILITIES

3.1. General Provisions

3.1.1. Provision of Facilities Generally

3.1.1.1. Councillors should note the requirements of Council's *Code of Conduct for Councillors* when using Council facilities. The Code requires Council resources to be used ethically and only in the course of civic duties unless private use is specifically authorised.

3.1.1.2. Councillors should particularly note that the interests of Councillors in their re-election are private interests. Councillor letterhead, Council crests and other resources must never be used for these purposes.

3.1.2. Private Use of Equipment and Facilities

3.1.2.1. Councillors should not generally use Council equipment for their own personal benefit. However, it is acknowledged that incidental use of Council equipment for private benefit may occur. Such incidental use will not be subject to repayment.

3.1.2.2. Where more substantial use of Council equipment occurs Council will seek reimbursement at a rate determined by the:

- Mayor/Deputy Mayor and the General Manager or
- the Council, depending upon the circumstances.

3.1.3. Provision Of Equipment And Facilities For Councillors

3.1.3.1. Councillors are to be provided with access and use of the following:

- (i) A room suitably furnished with appropriate office equipment for use by all Councillors;
- (ii) Access to a motor vehicle if available, or alternative arrangement (eg hire car), for the purposes of attending official functions or meetings outside the Council area;
- (iii) Council shall provide secretarial support for Councillors for the following purposes:-
 - Answering correspondence received from residents/ ratepayers in relation to the business of Council;
 - Replying to invitations to attend functions/gatherings received in their capacity as Councillor;
 - Communications to Council, Councillors or Council staff on official business;
 - Other assistance upon request subject to the General Manager's approval.
- (iv) Council will provide, upon request, the following stationery to Councillors to be used only on Council business:-
 - Writing Pads
 - Envelopes
 - Business Cards
 - Writing Pens
 - Diary
 - Postage for associated mailing of official correspondence.
- (v) Councillors be reimbursed up to a maximum of \$10 per month towards the cost of their home internet including email to cover usage for Council purposes.

- (vi) Use of Council photocopiers, telephones, computers, (& associated equipment) and fax machine in the course of the Councillor undertaking official Council business.

3.1.4. Provision Of Additional Equipment And Facilities For Mayors

3.1.4.1. In addition to those facilities/equipment listed above, the Mayor will be provided with the use of the following equipment at Council's expense:

- (i) An office suitably furnished;
- (ii) Mayoral robes and chains; and
- (iii) A motor vehicle to be used primarily in the discharge of the functions of Civic Office and the performance of Council business with limited private use and associated cost being met by the Mayor.
- (iv) The vehicle shall always remain the property of the Council.
- (v) A telephone with hands free connection will be included with the vehicle for use on Council business and will remain the property of the Council. The Council will pay associated costs/rentals.
- (vi) Secretarial and administrative assistance relating to the discharge of his or her civic functions.
- (vii) Use of mobile telephones, personal digital assistant, smart phone or PDA phone, whether or not including computing, telephone, wireless internet and or wireless email functionality, for official business.
- (viii) Council will pay call, usage and network charges not exceeding \$250.00 per month (including GST).
- (ix) Charges in excess of \$250.00 per month (including GST) are the responsibility of the Mayor and will be paid to Council within 30 days of request.
- (x) A laptop, Next-G and wireless modem.
- (xi) Council will pay accounts not exceeding \$200 per month (including GST) for running costs for the laptop, Next-G and wireless modem.
- (xii) Charges in excess of \$200 per month (including GST) are the responsibility of the Mayor and will be paid to Council within 30 days of request unless the Mayor can show that the additional charges relate to Council business (higher than normal activity due to pressing matters).

4. PART 4 – OTHER MATTERS

4.1. Acquisition And Returning Of Facilities And Equipment By Councillors

- 4.1.1. All equipment provided to the Mayor, Deputy Mayor or a Councillor to assist them to carry out their official duties remains the property of Council and is to be returned to Council upon the Mayor or the Councillor ceasing to hold office.
- 4.1.2. A Councillor may at the cessation of their duties request to purchase the equipment provided to them for their official duties or part thereof. Any items offered for sale to a Councillor under this clause will be offered on the basis that they are valued at a fair market price or the current written down value, whichever is the greater.

5. PART 5 - ALLOWANCES

The following allowances are based on the Australian Taxation Office Taxation Determinations 2009/15. The following limits apply to reimbursement or in the case where accommodation is pre-booked by Council staff.

5.1. Table 1 – Meal Allowances

Breakfast - per day	\$24.25
Lunch - per day	\$34.35
Dinner - per day	\$48.10

5.2. Table 2 – Incidental Expenses

Limit Per Day	\$23.55
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5.3. Table 3 – Accommodation

	Accommodation	Place
	\$	
Limit Per Night	183	Adelaide
	233	Brisbane
	183	Canberra
	170	Darwin
	150	Hobart
	197	Melbourne
	211	Perth
	225	Sydney
	130	High Cost Country Centres – Average as per ATO TD 2009/15
	128	Tier 2 country centres - See ATO TD 2009/15
	110	Other country centres

6. **APPENDIX A**



Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Phone: 02 6340 2000
Fax: 02 6340 2011
council@cowra.nsw.gov.au
www.cowraregion.com.au

Expenses of Members of Council

Name: _____ Date: _____

NB: Claim for reimbursement must be lodged within 3 months of the expense being incurred. Tax Invoice / Receipts must be attached to evidence claims

Select Engine Capacity 2.5 litre & over : 73¢ per km
 Under 2.5 litres: 64¢ per km

Travelling (10053)			Council or Committee Meeting Other (not included in categories below)	
Date	Event	Destination	Kilometres	Total (\$)

Interstate Visits (10139)			Travel Accommodation Incidental Expenses	
Date	Event	Destination	Expense	Total (\$)

Overseas Visits (10140)			Travel Accommodation Incidental Expenses	
Date	Purpose	Destination	Expense	Total (\$)

Conference / Seminar Attendance / (10137)			Travel Accommodation Incidental Expenses	
Date	Event	Destination	Expense	Total (\$)

Training/Skill Development (10138)			Travel Accommodation Incidental Expenses	
Date	Event	Destination	Expense	Total (\$)

Mayoral Expenses (10051)			
Date	Expense	Venue	Total (\$)

Telephone/Fax & PDA (10136)		Attach statement Capped at maximum value of \$50.00 per month inc GST	
Date	Expense	Number	Total (\$)

Partner/Spouse Expenses	Ticket, meal and/or the direct cost of attending local functions & LGA & LGSA Conference Excluding travel			
Date	Event	Venue	Expense	Total (\$)

Councillor Carers Expenses (10142)		Capped at maximum of \$10 per hour		
Date	Times	Reason (Elderly/Disabled/Child/Illness)	Function / Meeting Attended	Total (\$)

TOTAL CLAIMED \$ _____

I hereby certify that the expenses detailed herein have been validly incurred by me as a Councillor and are claimed in accordance with Council policy.

COUNCILLOR

GENERAL MANAGER/DELEGATE



Cowra Shire Council
Private Bag 342
Cowra NSW 2794

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Application to Attend Conference/Seminar

[unless invited to attend by the Mayor]

Name: _____ Date: _____

In accordance with clause 2.4.I I make application to attend

..... [name of conference/seminar]

On.....[date] at[location]

I feel my attendance at this conference/seminar would be beneficial to me

..... [please provide explanation]

I feel my attendance at this conference/seminar would be beneficial to Council

..... [please provide explanation]

I anticipate incurring the following expenses:-

- Registration
- Accommodation
- Related official luncheons, dinners, tours etc.
- Conference dinners
- Travel expenses
- Other:
- The trip **is / is not** interstate [Attach itinerary for interstate trips and cost details for consideration]
[please circle]

After returning from the conference/seminar, I will provide a written report to Council on the aspects of the conference/seminar relevant to Council business and/or the local community. [No written report required for the annual conferences of the Local Government and Shires Associations.]

I understand that my attendance will be subject to the joint approval of the Mayor/Deputy Mayor and the General Manager.

Councillor

Approval IS / IS NOT given for the above request.

Mayor /
Deputy Mayor [in the case of application by Mayor]

General Manager



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Application to Attend Training/Education Course

Name: _____ Date: _____

In accordance with clause 2.4.1.5, I make application to attend
..... [name of training/course]
on.....[date] at [location]

I feel my attendance at this course would be beneficial to me
..... [please provide explanation]

I feel my attendance at this course would be beneficial to Council
..... [please provide explanation]

I anticipate incurring the following expenses:-

- Registration
- Accommodation
- Travel expenses
- Other:
- The trip **is / is not** interstate [Attach itinerary for interstate trips and cost details for consideration]
[please circle]

I understand that my attendance will be subject to the joint approval of the Mayor/Deputy Mayor and the General Manager.

Councillor

Approval IS / IS NOT given for the above request.

Mayor /
Deputy Mayor [in the case of application by Mayor]

General Manager