

# COUNCILLOR EXPENSES AND FACILITIES POLICY

<b>Responsible Department:</b>	General Manager
<b>Responsible Section:</b>	Governance and Risk
<b>Responsible Officer:</b>	Manager Governance and Risk

## Objective

The Payment of Expenses and Provision of Facilities to Councillors Policy (the Policy) is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by the Mayor and Councillors. The Policy establishes a framework, based on the requirements of the *Local Government Act 1993* (the Act), for the payment of expenses and provision of facilities to the Mayor and Councillors.

The Policy provides for adequate, fair, and equitable payment or reimbursement of expenses and provision of facilities to the Mayor and Councillors to enable efficient discharge of the functions of Civic Office. The Policy applies to all Narrabri Shire Council Councillors, including the Mayor.

## Introduction

Pursuant to section 252 of the Act, Council is required to adopt a policy that guides the payment of expenses incurred or to be incurred and the provision of facilities to Councillors in relation to discharging the functions of Civic Office.

Expenses and facilities provided by the Policy are in addition to fees paid to Councillors as outlined by the Local Government Remuneration Tribunal pursuant to section 241 of the Act and as set through a resolution of Council.

## Policy

### 1. Civic Duties

1.1. Civic duties are defined as:

- (a) Councillor workshops, inspections, Council and Committee Meetings.
- (b) Community meetings approved by the Mayor or General Manager.
- (c) Meetings with staff approved by the General Manager.
- (d) Conferences, seminars, professional development opportunities, formal and social functions where representing Council and approved by either the Council or the Mayor and General Manager.

## 2. Private Use of Equipment and Facilities

- 2.1 Clause 8.13 of the Code of Conduct provides that Council resources must be used ethically, effectively, efficiently, and carefully. Council property, including intellectual property, services and facilities must not be 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.
- 2.2. Under no circumstances will Council permit the use of Council resources, facilities and equipment for the initiation or issue of election material/letters. Such use could represent a breach of Council's Code of Conduct and may be in direct contravention of the *Electoral Act 2017* (NSW).
- 2.3. Councillors should not obtain any private benefit from any loyalty program or equivalent while on Council related business. This includes but not limited to:
- (a) Retail loyalty programs (such as Everyday Rewards and Flybuys);
  - (b) Accommodation loyalty programs (such as Best Western Rewards and IHG Rewards Club); and
  - (c) Travel loyal programs (such as Frequent Flyers)
- 2.4. Where cost to Council would be mitigated by the use of a loyalty program by Councillors, Councillors may use those loyalty programs. When this occurs, Councillors are to advise the General Manager in writing as soon as possible and reimburse Council for the market value of any benefit they receive from using the loyalty program on Council business. Reimbursements to Council must be made within 28 days of the loyalty program being used.

## 3. Payment of Expenses

### 3.1. General Provisions

- (a) Councillors and the Mayor must not exceed their allocated budget for expenditure, as defined by Schedule 1 or Council's current adopted Operational Plan and Budget.
- (b) It is expected that expenses will be incurred in the performance of Mayoral and Councillor civic duties. Accordingly, Council will provide reimbursement of approved expenses incurred in the performance of such duties. No allowances or expenses other than those explicitly contained in the Policy are payable to the Mayor or Councillors.
- (c) The Mayor and Councillors must not obtain any private benefit under the Policy.
- (d) The Mayor and Councillors must not use any Council resource for political benefit, including actions that may be defined as electioneering. Political benefit includes but is not limited to:
  - (i) Production of materials relating to campaigns for re-election;
  - (ii) Use of council resources and equipment (such as tablets and printers) for electoral campaigns;
  - (iii) Use of official council letterhead, publications, websites, or services for political benefit; or
  - (iv) Fundraising activities of political parties or individuals where a benefit is obtained by a political party or elected member and not by a charitable organisation (as defined by the *Australian Charities and Not-for-profits Commission Act 2012* (Cth)).
- (e) Where it is appropriate for the Mayor or a Councillor to give a gift or benefit (for example, on a Council related business trip or when receiving visitors), these gifts and benefits should be of a

value no greater than the quantum for acceptable gifts established by the Narrabri Shire Council Code of Conduct

- (f) Where the Mayor or a Councillor gives a gift or benefit, they are to advise the General Manager in writing as soon as reasonably practicable afterwards. The gift or benefit must be recorded on Council's gifts and benefits register in accordance with Council's Adopted Gifts and Benefits Policy.

### **3.2. Approval Process**

- (a) Reimbursement of expenses shall only be made upon the production of tax invoices and a completed Expense Claim Form signed by both the claiming Councillor and a Certifying officer with appropriate delegation.
- (b) Claims for reimbursement of expenses are to be lodged and processed after the conclusion of each month.
- (c) A claim for reimbursement of expenses must be lodged within thirty (30) days of the end of the previous calendar month, on an Expense Claim form and lodged with the General Manager (or their delegate).
- (d) All reimbursement of expenses must be approved by the General Manager (or their delegate).

### **3.3. Dispute Resolution Process**

- (a) Any dispute relating to the administration of the Policy must be made in writing to the General Manager detailing the grounds for the dispute. Any such disputes will be referred to the next scheduled Ordinary Meeting of Council for determination and resolution.

## **4. Specific Expenses for Councillors**

### **4.1. Attendance at Conferences and Seminars**

- (a) Councillors will nominate, or will be nominated by Council to attend conferences, seminars or similar functions through a resolution passed in Open Council.
- (b) If notice of a conference is brought to the attention of Council, where registration deadlines will not permit a Councillor(s) nomination to be presented in an open session of a Council Meeting, the Mayor and General Manager may approve the attendance of a Councillor to the nominated conference, seminar. or similar function.
  - (i) If the Mayor is the nominated Councillor, then the Deputy Mayor and General Manager may approve the attendance of the Mayor to the nominated conference, seminar. or similar function.
- (c) If approval is given under the above delegated authority, all Councillors will be notified that the authority has been exercised.
- (d) The Mayor shall not be precluded from nominating a substitute attendee for functions on those occasions where the Mayor is unable to be in attendance.

### **4.2. What May Be Attended**

- (a) Any meetings or conferences of organisations or bodies on which a Councillor may be elected or appointed to attend whilst acting in their formal capacity as a Councillor.

#### 4.3. Registration

- (a) Where the Mayor or a Councillor has been authorised to attend a conference, seminar, professional development opportunity or similar function the Council will pay all normal registration costs which are charged, including those relating to official luncheons, dinners and tours which are relevant to the interests of the Council.
- (b) Where possible, expenses should be paid via Council's procurement system.

#### 4.4. Costs Incurred

- (a) Reimbursement of costs incurred shall be subject to the requirements:
  - (i) The travel is on Council related business being to and from the conference, seminar, or similar function.
  - (ii) Reasonable and necessary out-of-pocket expenses, on the production of receipts or tax invoices.
  - (iii) The travel is undertaken economically with all due expedition and by the most direct route.
  - (iv) Any time occupied in other than Council related business is not included in the calculation of expenses to be paid.
  - (v) A claim for reimbursement of expenses must be lodged within thirty (30) days of the end of the previous calendar month, on an *Expense Claim Form*.
  - (vi) Accommodation will be booked through the General Manager.
  - (vii) Where possible, accommodation costs will be paid in advance prior to attendance by the Mayor or Councillor through Council's procurement .
  - (viii) Actual accommodation and sustenance (ATO) Taxation Determination concerning travel allowances and incidental or on the basis of reasonableness, as determined by the Mayor and General Manager.

#### 4.5. Attendance at Dinners and Other Non-Council Functions

- (a) Consideration will be given to meeting the cost of Councillors' attendance at dinners and other non-Council functions which provide briefings to Councillors from key members of the community, politicians, and business.
- (b) Approval to meet expenses will only be given when the function is relevant to Council's interest and attendance to the function is open to all Councillors.
- (c) The Mayor and General Manager may approve the attendance of a Councillor to a dinner or non-Council function. If the Mayor is the nominated Councillor, then the Deputy Mayor and General Manager may approve the attendance of the Mayor to the dinner or non-Council function.
- (d) No payment will be reimbursed for any component of the ticket that is additional to the service cost of the function, such as a donation to a political party or candidate electoral fund or some other private benefit.
- (e) The fundraising activities of political parties, including political fundraising events, are personal interests. Council will not pay expenses or provide facilities to Councillors in relation to supporting and/or attending such activities or events.

#### **4.6. Attendance at Professional Development Opportunities**

- (a) Council will meet expenses incurred by a Councillor in attending an approved professional development opportunity, as detailed in the Cost Incurred section of this Policy
- (b) Professional development opportunities will be afforded to Councillors that directly assists in their role as elected representatives of the Narrabri Shire.
- (c) Council will set aside an annual amount per Councillor in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- (d) In the first year of a council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development for Councillors.
- (e) Professional development opportunities by Councillors will be authorised under this Policy by the General Manager.
- (f) Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- (g) Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
  - (i) Details of the proposed professional development
  - (ii) Relevance to Council priorities and business
  - (iii) Relevance to the exercise of the Councillor's civic duties.
- (h) In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in clause 4.6.7, as well as the cost of the professional development in relation to the Councillor's remaining budget.

#### **4.7. Reporting Requirements**

- (a) Councillors will report, in writing, in an open session of a Council Meeting on the outcome of the conference, seminar or similar function attended. The report will be submitted to the General Manager (or their delegate) within one (1) month of the Councillor's attendance at the conference, seminar or similar function.
- (b) If a number of Councillors attend the same function, a single report may be submitted on behalf of all Councillors that attended, however the report must be signed by all Councillors that were in attendance.
- (c) The report to Council will be in writing and include the following:
  - (i) The purpose/subject matter of the conference, including the reason for the attendance of the delegate(s).
  - (ii) The agenda of the conference.
  - (iii) Any items of interest to Council discussed at the conference.
  - (iv) Recommendations for further areas of action or investigation (if applicable).

#### 4.8. Travel Arrangements

- (a) Clause 4.8 applies to travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW.
- (b) All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport. This includes reimbursement:
  - (i) for public transport fares;
  - (ii) for the use of a private vehicle or hire car;
  - (iii) for parking costs for Council and other meetings;
  - (iv) for tolls; or
  - (v) for documented ride-share programs, such as Uber, where tax invoices can be issued.
- (c) Councillors and the Mayor will be entitled to be reimbursed for travel from their home whilst carrying out civic duties at the rate per kilometre as determined in the current ATO Reasonable Travel Allowances rate.
- (d) Council will not pay any traffic or parking fines or administrative charges for road toll accounts regardless of if they are incurred whilst the Mayor or a Councillor is undertaking their civic duties. Costs of traffic or parking fines incurred whilst travelling in private or Council vehicle on Council related business are the responsibility of the driver and are not eligible for reimbursement.
- (e) Each Councillor is to keep a log of all kilometres travelled to perform their civic duties and submit the log at the end of each month (with their applicable *Expense Claim Form*). The log will contain:
  - (i) the date of travel;
  - (ii) the venue/location travelled to;
  - (iii) the reason for the travel; and
  - (iv) the total kilometres travelled.
- (f) Car-pooling is to be encouraged where more than one Councillor is attending the same civic function.
- (g) Where a Councillor must use another form of transport other than their own vehicle for travel within the Local Government area, then such approval must be obtained in advance from the General Manager and the Mayor.
- (h) In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the general manager. This includes where a meeting or event finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the location.
- (i) Where the Mayor or a Councillor is required to travel away from their primary residence to perform their civic duties, Council will reimburse costs for accommodation and meals as per Schedule 1.

#### 4.9. Travel Outside Local Government Area, Including Interstate Travel

- (a) Councillors must obtain approval in advance from the General Manager and the Mayor for any travel outside of the Local Government area, including interstate travel.
- (b) For clarity, a Councillor appointed to a Committee, organisation or body, by Council, will have standing approval, by way of such appointment, to attend any meetings of the Committee,

organisation or body outside the local government area provided the method of transport is by road.

- (c) Councillors will be entitled to travel to official engagements at Council's expense by the most reasonable method.
- (d) Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle themselves.
- (e) Councillors when travelling by air will travel economy class unless extenuating circumstances prevent this and approval is obtained by both the General Manager and the Mayor.
- (f) Where a Councillor travels in their own vehicle, they will be reimbursed at the appropriate per kilometre rate or airfare, whichever is the lower.
- (g) Upon request by Councillors, vehicles based at Council's Administration Building will be made available to enable Councillors to attend conferences, seminars, workshops, or meetings on Council related business.

#### **4.10. Overseas Travel**

- (a) Councillors seeking approval for any overseas travel must submit a case to and obtain the approval via a resolution of Council prior to travel. The case should include:
  - (i) objectives to be achieved in travel, including an explanation of how the travel aligns with current Community Strategic Plan priorities for the Narrabri Shire and, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillors' civic duties;
  - (ii) who is to take part in the travel (including those external to Council);
  - (iii) duration and itinerary of travel; and
  - (iv) a detailed budget including a statement of any amounts expected to be reimbursed by the participant(s).

#### **4.11. Insurances**

- (a) Pursuant to Section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured.
- (b) Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- (c) Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- (d) Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on council business. Councillors while on Council related business shall receive the benefit of insurance cover for:
  - (i) Personal Accident (including sickness and journey/travel).;
  - (ii) Public Liability;
  - (iii) Professional Indemnity; or
  - (iv) Councillor and Officers Liability.

#### 4.12. Legal Expenses and Assistance

- (a) Council may, if requested, indemnify, or reimburse the reasonable legal expenses of:
  - (i) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
  - (ii) a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
  - (iii) a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- (b) In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- (c) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office.
  - (i) For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- (d) Legal expenses that relate to expenses incurred in the event of any enquiry, investigation or hearing by any of the following shall not be reimbursed by Council:
  - (i) Independent Commission Against Corruption (ICAC);
  - (ii) The Office of the Ombudsman;
  - (iii) The Office of Local Government;
  - (iv) The Police;
  - (v) The Director of Public Prosecutions;
  - (vi) The Local Government Pecuniary Interest and Disciplinary Tribunal into the conduct of a Councillor;
  - (vii) The Australia's Securities Commission; or
  - (viii) A combination of the above.
- (e) Council will not meet the legal costs:
  - (i) Of legal proceedings initiated by a Councillor under any circumstances;
  - (ii) Of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; or
  - (iii) For legal proceedings that do not involve a Councillor performing their role as a Councillor.



- (f) Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred, provided that the following criteria is met:
- (i) Approval of the General Manager, in writing, is sought and gained prior to any legal expense being incurred.
  - (ii) The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.
  - (iii) The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper, and the Councillor acted in good faith as required under section 731 of the Act.
  - (iv) The amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Solicitors will be paid (for example, any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's Solicitor will not be reimbursed).
  - (v) The Council is not the plaintiff in the action.
  - (vi) Any reimbursement shall not include any action by one Councillor against another Councillor.
  - (vii) The enquiry, investigation, hearing or proceeding results in a finding that is not substantially unfavourable to the Mayor or Councillor.
- (g) Where doubt arises in relation to any of the clauses in the Policy, Council should seek its own legal advice.

#### **4.13. Care and Other Related Expenses**

- (a) Council will reimburse a Councillor's reasonable expenses to cover engagement of a babysitter or carer where required to enable the Councillor to attend any Council, Committee Meeting or Council workshop.
- (b) Other than where a carer is required by a Councillor themselves, Council will meet the reasonable expenses for the care (that is actually and necessarily incurred by a Councillor whilst attending Council and Committee Meetings, and Council workshops) of:
  - (i) A child of the Councillor; or
  - (ii) A dependent of the Councillor requiring full-time care.
- (c) Council will not meet the reasonable expenses for the care of a child or a dependent of the Councillor if the care is provided by a relative of the Councillor.
- (d) A Councillor is entitled to make a submission to the General Manager, in writing, for special consideration regarding care, for which a recommendation will be put to Council.
- (e) In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.

**4.14. Accompanying Person Expenses – Conference, Seminar or Similar Function**

- (a) Where the Mayor or Councillor is required to attend a conference, seminar, professional development opportunity or similar function to undertake their civic duties, all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Councillor/accompanying person and not by the Council.

**4.15. Accompanying Person Expenses - Official Council Functions Within Local Government Area**

- (a) Where the Mayor or a Councillor is accompanied at an official Council function within the local government area all travel and subsistence costs for, or incurred by, the accompanying person, will be met by Council.

**4.16. Accompanying Person Expenses - Official Council Functions Outside Local Government Area**

- (a) Where the Mayor or a Councillor representing the Mayor is accompanied at an official Council function or carrying out an official ceremonial duty outside the local government area (but within the State) the payment of all travel and subsistence costs for, or incurred by, the accompanying person, will be considered by Council.

**5. Provision of Facilities (and Equipment) for Councillors**

**5.1. General Provisions**

- (a) Council will provide reasonable facilities and equipment to each Councillor to ensure that they can undertake their civic duties in an appropriate and efficient manner.
- (b) Reasonable facilities shall include those outlined in Clauses 5 and 6 of the Policy and any other aid to support the Mayor and the Councillors in undertaking their civic duties at the discretion of the General Manager in accordance with Council's policies and the Act.
- (c) The Council Chambers and Committee Room may be utilised by elected representatives of local, state and federal levels for use to meet with the public during this time. No fees will be charged for this use. Usage will be approved subject to:
  - (i) Prior written/verbal request by the elected representative outlining the date and time of the visit; and
  - (ii) All usage of any Council facilities must relate solely to local constituency issues and must not relate to the promotion of political issues.

**5.2. Councillor Corporate Dress**

- (a) Each Councillor will be supplied with a Council name badge and either a necktie or scarf.
- (b) Each Councillor will be provided a uniform allowance to access branded business-wear through Council's nominated uniform provider.
- (c) Council will not reimburse Councillors who procure clothing for themselves through another provider.

### 5.3. **Business Cards**

- (a) Councillors will be issued with business cards (the amount to be determined at the discretion of the General Manager). Replacements will be provided upon written request.

### 5.4. **Meals and Refreshments at Council Meetings**

- (a) Provision of meals and refreshments associated with Councillor attendance at Council and Committee Meetings and Councillor workshops or at any other time deemed appropriate by the Mayor or General Manager whilst on Council related business is eligible for reimbursement up to the amount allocated in Schedule 1.

### 5.5. **Councillor (Meeting) Room**

- (a) Provision of meeting room facilities, including furnishings, telephone, appropriate access to the internet, printing and photocopying facilities for the purposes of Council related business.
- (b) These facilities will be made available at the Council Administration Building located in Narrabri.

### 5.6. **Computer Facilities**

- (a) Councillors will be provided with portable devices connected to the internet to assist in undertaking civic duties.
- (b) Facilities provided will consist of a portable computing device with accessories (including carry case, keyboard and mouse).
- (c) Computer facilities shall be dealt with in accordance with the relevant legislation and the Narrabri Shire Council Policy.

## **6. Provision of Additional Facilities (and Equipment) for the Mayor**

### 6.1. **Mayoral Office**

- (a) Council will provide a furnished office at the Council Administration building located in Narrabri to enable the Mayor to undertake civic duties. The office furnishings will include:
  - (i) Provision of a computer and associated software packages (with internet connection).
  - (ii) Provision of a telephone (including all call costs).

### 6.2. **Executive Assistant Support**

- (a) Executive assistant support, from a suitably experienced and qualified resource, will be provided during normal office hours to aid and support to the Mayor in the conduct of their civic duties.

### 6.3. **Ceremonial Clothing**

- (a) Council will provide the Mayor with Mayoral robes and the Chain of Office.

#### 6.4. **Mobile Phone**

- (b) Council will meet the cost of mobile call costs in direct relation to the conduct of Mayoral civic duties.
- (c) The Mayor must meet the cost of all non-civic duty calls.

#### 6.5. **Provision of a Motor Vehicle**

- (a) Council will provide to the Mayor, at its cost, a registered, insured, maintained and fuelled vehicle for use by the Mayor on official duties and for private use.
- (b) The vehicle is provided on the following basis:
  - (i) The changeover of the vehicle is to occur in accordance with Council's Fleet Replacement Program.
  - (ii) The Mayor is to be provided with a suitably equipped vehicle commensurate with the requirements of the Office of Mayor in accordance with Council's Fleet Policy and related Operational Protocols that are in place at the time of purchase.
  - (iii) The Mayor is to enter into Council's standard agreement for the use of the vehicle, which is the subject of this Policy.
- (c) Conditions of Use of Motor Vehicle:
  - (i) The vehicle is to be kept in a clean and tidy condition to ensure that a professional image of the Council is presented at all times, and to retain the capital value of the vehicle.
  - (ii) The Mayor will ensure the general roadworthiness of the vehicle. This will include for example the checking of oil, fuel, coolant, brake fluid, lights, windscreen washers and wipers, water, battery and tyre tread and pressure, and taking corrective action where necessary as per vehicle specifications/manual.
  - (iii) The vehicle is to be serviced at required intervals through Council's Workshop and in accordance with the manufacturer's specifications.
  - (iv) Smoking is not permitted under any circumstances in the vehicle, at any time, by any person.
  - (v) Animals are not permitted in the vehicle at any time, unless in the event of medical emergencies or natural disasters.
  - (viii) Wherever possible, the vehicle is to be garaged off-street.
  - (ix) The Mayor and their nominated partner are entitled to drive the vehicle, provided that such a person is a fully licensed driver.
  - (x) If the Mayor is present in the vehicle, any competent and fully licenced driver may drive the vehicle. Under no circumstances is a person who does not hold a full license (such as a person who is unlicensed or holds a Learners or a Provisional Licence) is to drive the vehicle.
  - (xi) The Mayor will be strictly responsible for all parking, traffic or other fines or infringements arising from the use of the vehicle whilst the vehicle is in their custody and possession, in accordance with Council's Fleet Policy and Operational Protocols.

#### 6.6. Car Parking Space

- (a) One (1) car parking space reserved for the Mayor will be provided at Council's Administration Building located in Narrabri for use by the Mayor.

#### 6.7. Corporate Credit Card

- (a) The Mayor will be provided with a Corporate Credit Card to facilitate payment of incidental expenses in conjunction with discharging the functions of the Mayoral Office.
- (b) The credit card will be limited by the Mayor's current delegation as resolved by Council.
- (c) The credit card is to be used for Council-related business expenditure only.
- (d) The credit card must not be used for obtaining cash advances.
- (e) Upon completion of the Mayoral term, the credit card is to be returned to the General Manager on or prior to the date the term ceases.
- (f) On-going use of the credit card by the Mayor will be in accordance with and subject to any other Policy relating to the use of such credit facilities adopted by Council from time to time.

#### 6.8. Photograph

- (a) The Mayor will be given an official framed photograph as a memento of their term in Office.

### 7. Other Matters

#### 7.1. Acquisition and Return of Facilities and Equipment by Councillors

- (a) All equipment provided to Councillors under the Policy shall remain the property of the Council and be returned in good condition to the Council upon the Mayor or Councillor ceasing to hold Civic Office.

#### 7.2. Annual Fees Payable to Councillors

- (a) Pursuant to section 248 of the Act, Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid to the Councillors for the following year commencing on 1 July provided that:
  - (i) Such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal;
  - (ii) Such payment shall be subject to clause 404 of the *Local Government Regulation 2021* and as resolved by Council pursuant to section 254A of the Act.
- (b) Councillors will be paid in accordance with the Act at the commencement of each following month. Payments shall be:
  - (i) Broken down on a monthly basis;
  - (ii) Include the amount of Superannuation as determined by the *Superannuation Guarantee (Administration) Act 1992* (Cth); and
  - (iii) Processed through Council's Payroll System on the last Wednesday of the month.

### 7.3. Annual Fees Payable to the Mayor

- (a) Pursuant to section 249 of the Act, Council shall, prior to 30 June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing on 1 July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.
- (b) The Mayor will be paid in accordance with the Act at the commencement of each following month. Payments shall be:
  - (i) Broken down on a monthly basis;
  - (ii) Include the amount of Superannuation as determined by the *Superannuation Guarantee (Administration) Act 1992* (Cth); and
  - (iii) Processed through Council's Payroll System on the last Wednesday of the month.

### 7.4. No Deduction under this Policy from Annual (Mayoral or Councillor) Fees

- (a) Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities that 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 sections 248 to 254 inclusive of the Act.

## 8. Requirement for Review

- 8.1. The Policy is to be reviewed within 12 months of an Ordinary Local Government Election, or as required pursuant to updates to the Australian Taxation Office Taxation Determination or other relevant legislation

## References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- Office of Local Government Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009).
- 2016 Taxation Determination (TD 2021/6).
- Council's Code of Conduct.
- Expense Claim Form (Appendix A).

## Definitions

**Accompanying Person:** Shall mean spouse, partner or a person with a close personal relationship to the Councillor and/or provides carer support to the Councillor.

**The Act:** *Local Government Act 1993* (NSW).

**The Regulation:** *Local Government (General) Regulation 2021* (NSW).

**Councillors:** Elected Council representatives, including the Mayor.

**Expenses:** Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses are separate and additional to annual fees.

**Facilities:** Equipment and services that are provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

## Schedule 1 - Summary of Expenses for Councillors

Expense Type	Clause	Refund Basis	Limit per Councillor
Registration expenses for Conferences and Seminars or similar function (excluding professional development opportunities covered separately)	4.1-4.5	Actual	\$1,000 per annum (\$2,000 for the Mayor)
Attendance at Dinners and other Non-Council Functions	4.5	Actual	\$500 per annum
Professional development (including training and education, conferences and seminars) <sup>1</sup>	4.6	Actual	\$5,000 per annum. Includes registration fees, travel, accommodation, meals, refreshments and incidental expenses.
Meals and incidentals when travelling for Council related business	4.8	Actual	\$200 per day
Travel - use of private motor vehicle	4.8	Per kilometre	Cents per kilometre as set by the Australian Taxation Office (ATO) as the current Cents per Kilometre Rate
Travel – Other (rail, taxi, bus, air)	4.8-4.10-	Actual	Nil
Travel – Parking	4.8	Actual	Nil; however, valet parking prohibited.
Care and Other Related Expenses	4.13	Actual	\$30.00 per hour (up to \$2,500 per annum)
Registration expenses for Accompanying Person - Official Council Functions	4.14	Actual	\$0
Travel and Accommodation Accompanying Person Expenses - Official Council Functions Within Local Government Area	4.14	Actual	\$0

<sup>1</sup> Induction and internally arranged training and workshops for all Councillors are additional and subject to budget.



<b>Expense Type</b>	<b>Clause</b>	<b>Refund Basis</b>	<b>Limit per Councillor</b>
Travel and Accommodation for Accompanying Person Expenses - Official Council Functions Outside Local Government Area	4.14	Actual	As defined in the relevant ATO Taxation Determination concerning travel allowances and incidentals
Personal Computing Device	5.6	Actual	Nil – limit one device per council term, to be returned at the conclusion of the term.
Branded corporate wear	5.2	N/A	\$500 per term
Name badge	5.2	N/A	Nil – limit one badge per council term
Business cards	5.3	N/A	Nil – limit one set of business cards per council term
Mobile Phone and mobile call costs for Mayor	6.4	N/A	Nil – mobile phone provided
Mayoral Vehicle	6.5	N/A	A similar standard vehicle to that available for the General Manager, for use on official business and incidental private use.

## History

Minute Number	Meeting Date	Description of Change
447/95	May 16, 1995	Adopted
413/96	May 21, 1996	Councillor Fee Amended
414/96	May 21, 1996	Mayoral Fee Amended
356/97	May 20, 1997	Councillor Fee Amended
357/97	May 20, 1997	Mayoral Fee Amended
142/98	March 18, 1998	Amended
275/98	May 19, 1998	Councillor Fee Amended
276/98	May 19, 1998	Mayoral Fee Amended
218/99	May 18, 1999	Councillor & Mayoral Fee Amended
205/2000	May 18, 2000	Councillor Fee Amended
206/2000	May 18, 2000	Mayoral Fee Amended
556/2000	December 5, 2000	Amended
70/2001	March 20, 2001	Amended
156/2001	May 15, 2001	Councillor Fee Amended
157/2001	May 15, 2001	Mayoral Fee Amended
211/2002	May 21, 2002	Councillor Fee Amended
212/2002	May 21, 2002	Mayoral Fee Amended
198/2003	May 20, 2003	Councillor Fee Amended
199/2003	May 20, 2003	Mayoral Fee Amended
256/2004	May 18, 2004	Councillor Fee Amended
257/2004	May 18, 2004	Mayoral Fee Amended
932/2004	December 14, 2004	Reviewed
334/2005	May 18, 2005	Councillor Fee Amended
335/2005	May 18, 2005	Mayoral Fee Amended
71/2006	February 21, 2006	Councillor Fee Amended
72/2006	February 21, 2006	Mayoral Fee Amended
425/2006	June 20, 2006	Councillor Fee Amended
426/2006	June 20, 2006	Mayoral Fee Amended
909/2007	December 18, 2007	Reviewed
597/2010	September 21, 2010	Reviewed
781/2011	November 15, 2011	Reviewed
18/2013	February 5, 2013	Reviewed
922/2013	December 3, 2013	Reviewed
669/2014	October 28, 2014	Reviewed
500/2015	September 15, 2015	Reviewed

<b>Minute Number</b>	<b>Meeting Date</b>	<b>Description of Change</b>
220/2017	October 24, 2017	Format change, change in respect to: overseas travel, expense limits in line with ATO Tax Rulings
	December 24, 2019	Rebranded
234/2022	26 July 2022	Endorsed for Public Exhibition
307/2022	27 September 2022	Adopted
182/2024	9 October 2024	Endorsed for Public Exhibition
221/2024	27 November 2024	Adopted