



Payment of Expenses and Provision of Facilities for the Mayor and Councillors Policy

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	PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS POLICY	Doc No: D24.100101	
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PART A: POLICY

Introduction

1. Purpose of the Policy

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Mayor and Councillors. The policy also ensures that the facilities are provided to assist the Mayor and Councillors to carry out their civic duties are reasonable.

2. Definitions

Definitions in this policy are as follows:

- “Accompanying person” shall mean spouse, partner or accompanying person.
- “Act” shall mean the Local Government Act 1993 (as amended).
- “Business of Council” for the purpose of this policy Business of Council shall be defined as:
 1. Council meetings;
 2. Committee meetings where all members are Councillors;
 3. Meetings including Public and Community where attendance is authorised by the Council or the Mayor;
 4. Inspections where attendance is authorised by the Council or the Mayor;
 5. Conferences, Seminars or Workshops where attendance is authorised by Council or under delegated authority by the Mayor or Deputy Mayor and General Manager; and
 6. Meetings or functions attended by the Mayor or his nominee and reported to or endorsed by Council by Minute or the General Manager's Report.
- “Conference” shall mean any conference, seminar, congress, forum, workshop, course, meeting, deputation, information and training session or events related to the industry of local government and held within Australia.
- “Policy” shall mean “Payment of Expenses and Provision of Facilities for the Mayor and Councillors Policy.”
- “Regulation” shall mean the Local Government (General) Regulation 2021.

3. Objectives and Coverage of the Policy

- To provide for the fair and equitable payment and re-imbursement of certain expenses not considered to be included in the annual fees payable to the Mayor and Councillors, where such expenses are incurred by the Mayor, and Councillors in discharging the functions of civic office;
- To provide adequate facilities for use by the Mayor and Councillors to enable them to discharge the functions of civic office; and
- To provide clear guidelines regarding the provision of facilities and equipment to the Mayor and Councillors in the discharge of their functions of civic office.

4. Making and Adoption of the Policy

This policy is made and adopted in accordance with the requirements of the Act, Chapter 9, Part 2, Division 5, Sections 252-254 and is consistent with the provisions of Council’s adopted Code of Conduct.

5. Legislative Provisions

This policy is governed by Sections 252 to 254 of the Act, the Local Government (General) Regulation 2021, any relevant guidelines under Section 23A of the Act which requires that Council must annually adopt a policy and Section 428(2) which requires the Council to include this policy detail in its Annual Report.

6. Other Government Policy Provisions Related to this Policy

- Department of Local Government Guidelines for payment of expenses and provision of facilities;
- Model Code of Conduct;
- Department of Local Government Circulars to Councils; and
- ICAC publications.

7. Approval Arrangements

All approvals under this Policy shall be made by resolutions of the Council.

PART B: PAYMENT OF EXPENSES

I. Annual Fees –Mayor, Deputy Mayor and Councillors

1. Fees payable to the Mayor

The Council shall, set by resolution, the annual fee to be paid to the Mayor in accordance with Section 249 and 250 of the Act provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal for Rural Councils being \$29,500 pa.

2. Fees payable to Councillors

That the Council shall, set by resolution, in accordance with Section 248 and 250 of the Act the annual fees to be paid, monthly in arrears, to a Councillor, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal for Rural Councils being \$13,520 pa. Such payment shall be subject to Section 254A of the Act and any specific resolution of the Council under Section 254A.

3. No deduction under this Policy from Fees

Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities which may be provided under this Policy, shall be provided without reduction from the annual fees payable to the Mayor and Councillors, as determined by the Council above.

II. Payment of Expenses Generally

1. Allowances and expenses

- No general allowance will be paid;
- No private benefit is to be gained through the payment of expenses including any expenses involved in Councillors attendance at political fundraising functions; and
- No allowances other than those expressly contained in this policy are payable to the Mayor and Councillors.

2. Reimbursement and reconciliation of expenses

All reimbursements are subject to the provision of receipts and are on a per Councillor basis. Advanced payment must be reconciled on Council's designated claim form by the Councillor and acquitted for by receipts or refund and be presented to Council's Director of Governance, Business and Community Services for approval, reconciliation and reimbursement by Council's accounts payable department.

3. Establishment of Monetary Limits and Standards

Monetary limits or standards of facilities/services are specified in this policy.

Spouse, partner and accompanying person's expenses;

- Councillors may invite their spouses/partners/accompanying person to accompany them on a Council business trip, however Council will not pay for any costs including conference registration, official conference dinner or any additional travel, accommodation or accompanying person tour expenses associated with this person; and
- Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Mayor/Councillors accompanying person within fourteen (14) days of being invoiced for such expenditure.

III. Specific Expenses

1. Conferences held in Australia

- The Mayor and Councillors may be nominated and authorised to attend conferences by:
 - a) The Council, through resolution duly passed in open session at a Council Meeting;
 - b) The Mayor/Deputy Mayor and General Manager jointly in the event of extenuating circumstances;
 - c) The Mayor/Deputy Mayor and General Manager jointly where such conference is for one day or less or does not involve an overnight stay.
- Substitute attendee:

By the adoption of this Policy, authority is hereby delegated to the Mayor/Deputy Mayor and General Manager jointly to nominate and authorise a substitute Councillor to attend any conference in lieu of the Mayor or a nominated and authorised Councillor.

2. Conference, Training and Development Expenses

The Council shall pay or reimburse the Mayor/Councillor:

- **Registration**

All normal registration costs, including costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council and authorised in accordance with clause (5) above.

- **Accommodation**

Accommodation cost to the value of \$300 per evening including the night before and/or after the conference where that is necessary due to travel and/or conference timetables. In the event it is found that \$300 per evening is insufficient the Mayor/Deputy Mayor or General Manager may authorise a higher accommodation cost. Council will normally meet the cost of accommodation by a Council order. However, Mayor/Councillor meets this cost, reimbursement will be made on the production of receipts.

- **Travel**

- a) All reasonable travel costs to and from the conference location and venue by aircraft or suitable Council vehicle or if they are not available or it is more convenient by the use of a private vehicle;
- b) Where travel is by motor vehicle it should be undertaken by Council vehicle or by private vehicle subject to prior approval jointly by the Mayor/Deputy Mayor or the General Manager;
- c) Where private vehicle is used under (b) above, the Mayor/Councillor may claim the "kilometre" allowance at the date of travel as per the Local Government (State) Award; and
- d) Hire cars, taxi fares and parking costs that are reasonably required in attending conferences.

- **Out-of-Pocket Expenses**

Out-of-pocket expenses up to the value of \$80 per day associated with the attendance at a conference upon presentation of a claim and receipts for the following:

- a) Any hotel/motel charges associated with the conference other than accommodation;
- b) All telephone or facsimile calls related to Council business;
- c) Reasonable lunches, dinners and other meals incurred whilst travelling to or from the conference and other meals occurring during the conference but not included in the conference registration fee;
- d) Incidental expenses, e.g. parking, taxi fares, motorway or bridge tolls;
- e) Any optional activity in a conference program, but excluding any pre or post conference activities.

In extenuating circumstances, Mayor/Deputy Mayor and General Manager may approve additional out-of-pocket expenses associated with attending a conference on Council's behalf.

- **Conference costs - payment in advance**

- a) The Council will normally pay registration fees, accommodation costs and airline tickets direct to conference organisers/travel agent in advance. Where this is not possible a cash advance equivalent thereto may be paid in advance to the attendee for payment to the appropriate party; and
- b) Any cash advance must be properly accounted for and reconciled with receipts on the prescribed voucher form within one (1) month after such conference.

- **Training and Development Expenses**

Council makes provision for the payment of relevant training and educational expenses incurred by Councillors in its Operational Plan. Registration and expenses for training and education for Council authorised programmes relating to civic functions will be reimbursed in accordance with the provisions of this policy.

3. Local Travel Expenses – Within Balranald Shire Council Local Government Area

If available, a suitable vehicle or vehicles will be provided by the Council for use on official duties connected with the office of the Councillor.

- **Use of private vehicles by the Councillors**

A Councillor who elects to use a registered private vehicle may claim a kilometre allowance in accordance with the Local Government (State) Award for use of a private vehicle when used to attend conferences and official engagements and functions where the Councillor has been authorised by the Council to do so or is deputising for the Mayor.

4. Travel Costs outside Balranald Shire Council Local Government Area – Use of Mayor's/Councillor's Private Vehicles

Where a privately registered vehicle is used by a Mayor/Councillor they may claim a kilometre allowance for use of private vehicles when used by the most direct route to travel between their place of residence and return, to:

- a) attend a conference held outside the Balranald Shire Council local government area and return, where use of the private vehicle is authorised by the Mayor/Deputy Mayor or General Manager;
- b) kilometre rates for use of a private vehicle under this Policy will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to a vehicle and any loss of no claim bonus and any excess not covered by insurance;
- c) overseas travel shall only be permitted in accordance with a specific Council resolution setting out the details of the trip and the expenses to be incurred; and
- d) payment is subject to a claim on the prescribed claim form being lodged by the Mayor/Councillor, and made no later than three (3) months after the travel occurred.

5. Option to allow provision of vehicle to Mayor

A fully maintained leaseback vehicle with fuel card can be provided up to a medium SUV with a payment to be deducted from the monthly allowance equal to the applicable fringe benefit tax incurred. This is to be established through the use of a log book.

6. Telephone Costs and Expenses

Council will only reimburse emergency telephone expenses where it can be identified that the cost of the telephone calls was related to Council business.

7. Internet

Council will not meet the cost of any internet connections or any costs associated with this.

8. Care and Other Related Expenses

Council will consider by resolution reimbursement of reasonable costs of carer arrangements.

9. Insurance Expenses and Obligations –Mayor/Councillors

The Mayor/Councillors, in accordance with Section 382 of the Act, will receive the benefit of insurance cover to the limit and conditions specified in Council's insurance policies for the following:

- a) Councillors and Officer Liability Cover;
- b) Personal accident while on Council business. Note that Councillors are not covered by workers compensation payments or arrangements.;
- c) Travel insurance for approved travel on Council business; and
- d) Council will affect and maintain insurance to cover any loss or damage to Council property in the possession or control of Councillors.

10. Legal Assistance for Mayors and Councillors

If the Mayor or Councillor incurs legal expenses in any inquiry, investigation or hearing instigated by any of the following:

- Independent Commission Against Corruption;
- The Office of the Ombudsman;
- Division of Local Government, Department of Premier and Cabinet;
- The Police;
- The Director of Public Prosecutions;
- The Local Government Pecuniary Interest Tribunal;
- The Australian Investment & Securities Commission;
- Any other person, body or authority approved by resolution of Council; and
- Council's Code of Conduct Review Committee/Reviewer.

and the inquiry, investigation or hearing results from the Mayor/Councillor discharging their duty, or relates to the office of the Mayor/Councillor, then the Council may, after considering this matter (and an estimate of the cost), resolve to pay such expenses incurred.

The assistance is on the basis that the costs do not vary substantially from the estimate considered by Council provided that:

- The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor;
- The equity, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor; and
- The costs are only paid after the hearing, inquiry or investigation.

11. Additional Mayoral Expenses

The Mayor shall be entitled to receive the benefit of the following facilities, and payment of and reimbursement of expenses:

- **Transport** - The Mayor will in accordance with the conditions of Council's Policy be provided with a vehicle or alternatively receive payment for the use of his/her own vehicle and this allowance will be made in accordance with the Local Government Award;
- **Secretarial Services** - including typing, photocopying, printing, postage, facsimile, computer and telephone facilities;
- **Administrative assistance** - associated with any Council functions, meetings, publications and the like;
- **Civic Reception meals and refreshments**; and
- **Provision of a mobile phone for Council purposes**. This is subject to compliance with Council's mobile phone policy.

12. Gifts and Benefits

Gifts and benefits of token value can only be given to a Councillor in accordance with activities authorised by Council. Token gifts and benefits are described in Council's Code of Conduct (clause 8-1). Councillors must adhere to the Balranald Shire Council Gifts and Benefits Policy.

PART C: PROVISION OF FACILITIES

1. Provision of Equipment and Facilities for Councillors

Councillors are entitled to payment of expenses or re-imbursement of the following expenses, and to receive the benefit of the following equipment and facilities generally in carrying out their civic duties:

- Reasonable refreshments associated with Council meetings and meetings with Parliamentary representatives, visiting dignitaries and other delegations;
- Stationery comprising business cards, writing pads and pens;
- Reasonable access to accommodation, photocopiers and telephone;
- Secretarial services to facilitate the discharge of functions of civic office;
- The provision of a name badge;
- Meals and refreshments at Council meetings, official dinners and committee meetings when required;
- Access to a Council funded laptop or tablet for the purposes of Council business. Use of a Council laptop must be in accordance with Council's Internet and Computer Use Policy. At the end of a Councillor's term, the Councillor may have the opportunity to purchase the laptop for a nominated amount by the Director of Governance, Business and Community Services. This amount will reflect the depreciated and market value of the laptop; and
- Alternatively, a Councillor may claim a \$40.00 per month allowance to purchase and maintain their own laptop. If this amount is claimed, no maintenance or support can be provided to a Councillor's own equipment.

2. Provisions of Additional Equipment and Facilities for Mayor and Councillors

No other equipment and facilities will be made available to the Councillors apart from what is contained in this policy.

3. Private Benefits

Councillors should not obtain private benefit from the provision of equipment and facilities. Any incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to Council. In the event substantial use does occur Section 252 (2) of the Act provides that a payment will be made to cover the level of private use received.

PART D: OTHER MATTERS

1. Acquisition and Return of Facilities and Equipment by a Councillor

All equipment provided to the Councillors under this policy shall remain the property of the Council and be returned immediately in good order to the Council upon the Mayor/Councillor ceasing to hold civic office.

2. Disputes

Any disputes arising about Councillor expenses and facilities will be after consideration, resolved by the General Manager and the Mayor or, if the dispute is in relation to the Mayor, the General Manager and Deputy Mayor.

3. Status of the policy

Version	Date	Changes/Amendment
Version 1	18/02/2020	Development of document
Version 2	15/12/2021	Reviewed and adopted
Version 3	21/05/2024	Reviewed and adopted
Version 4	11/10/2024	Reviewed and updated – submitted in draft form to the 11 October 2024 ordinary Council Meeting.

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