

1.1 Payment of Councillors and Mayoral Fees, Expenses & Facilities

POLICY TITLE:	PAYMENT OF COUNCILLORS AND MAYORAL FEES, EXPENSES & FACILITIES
FILE REF:	SC67
EXPIRY DATE:	WITHIN 12 MONTHS AFTER THE COMMENCEMENT OF THE NEXT TERM OF COUNCIL

PART 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 provided to assist the Mayor and Councillors to carry out their civic duties are reasonable. Reference in this policy to the Mayor and Councillors includes Administrators.

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).
- “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 “Policy 1.1 Payment Councillors and Mayoral Fees, Expenses and Facilities”.
- “Regulation” shall mean the Local Government (General) Regulation 2021.

OBJECTIVES AND COVERAGE OF THE POLICY

- (i) to provide for the fair and equitable payment and re-imburement 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;
- (ii) to provide adequate facilities for use by the Mayor and Councillors to enable them to discharge the functions of civic office; and
- (iii) this Policy is separate to the payment of Annual Fees to the Mayor and Councillors.

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 252-254A.

Section 217 of the Local Government (General) Regulation 2021 requires the Council to include in its Annual Report:

- 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,

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

- (vii) The expenses of any spouse, partner (whether of the same or opposite sex) 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 Office of Local Government 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.

LEGISLATIVE PROVISIONS

This policy is made under Sections 252 to 254A of the Act, which requires that the Council must annually adopt such a policy.

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.
- Office of Local Government Circulars to Councils.
- ICAC Publications.

APPROVAL ARRANGEMENTS

All approvals under this Policy shall be made by the General Manager or, in extenuating circumstances, jointly by the Mayor or Deputy Mayor and the General Manager.

PART 2 – PAYMENT OF EXPENSES

ANNUAL FEES – MAYOR, DEPUTY MAYOR AND COUNCILLORS

2.1 Fees Payable to Councillors

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

2.2 Fees payable to the Mayor

The 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 1 July provided that such fee shall be within the range for the council determined annually by the Local Government Remuneration Tribunal.

2.3 Fees payable to the Deputy Mayor

The Deputy Mayor shall be paid a daily pro-rata fee equivalent to the daily Mayoral fee calculated under Clause 2.2, for the periods of time when the Mayor advises that he/she is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of the Mayor. The amount of the fee so paid to the Deputy Mayor shall be deducted from the Mayor's annual fee.

2.4 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 under 2.1, 2.2 or 2.3 above.

PAYMENT OF EXPENSES GENERALLY

2.5 Fees to Administrators

This will be determined by the Minister for Local Government.

2.6 Allowances and expenses

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

2.7 Reimbursement and reconciliation of expenses

- a) All reimbursements are subject to the provision of receipts and are on a per Councillor basis.
- b) Advanced payment must be reconciled by the Councillor and acquitted for by receipts or refund.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

- c) In the event of any dispute regarding the payment of expenses or use of facilities, the matter will be referred to the Mayor or Deputy Mayor and General Manager for resolution.
- d) Council will not reimburse any expenses incurred by Councillors attending political fund-raising functions.
- e) Council will not reimburse expenses of a general nature – expenses must be ancillary to Councillors performing their functions as a Councillor.
- f) If a Councillor wishes to provide a gift or benefit to some person/s such will be provided by the individual Councillor and not reimbursed by the Council.

ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

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

Spouse, partner and accompanying persons' expenses

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

- a) Local Government NSW Annual Conferences
The costs of registration and any official conference dinners of the Mayor's or Councillor's accompanying person in attending the annual conference of Local Government NSW, but excluding any travel expenses, additional accommodation expenses and any optional personal tours which shall be the personal responsibility of the individual Councillor.
- b) Official Council Functions within Lockhart Shire Council area
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 Lockhart local government area, such as Australia Day Awards ceremonies, Citizenship ceremonies, Mayoral receptions and charitable functions formally supported by the Council.
- c) Official Local Government Functions outside the area
Expenses associated with the attendance of the accompanying person of the Mayor or of a Councillor when they are representing the Mayor in attending an official function of the Council or carrying out official ceremonial duties, whilst accompanying the Mayor outside the Lockhart local government area, but within New South Wales.

2.9 Other Conferences

- a) Where the Mayor or Councillor is accompanied at a conference, other than the Local Government NSW annual conference, and any other conferences under 2.8 above, all costs for, or incurred by, the accompanying person, including travel, any additional accommodation costs, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Mayor, Councillor or accompanying person and not by the Council.
- b) Accompanying person's registration or accompanying person's program fees are to be paid to the conference organiser, etc. and paid at the time of registration.
- c) 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 or Councillor/accompanying person, within 14 days of being invoiced for such expenditure.

SPECIFIC EXPENSES FOR MAYOR AND COUNCILLORS

Conferences and Training Courses held in Australia

The Mayor and Councillors may be nominated and authorised to attend conferences and training courses by:

- a) the Council, through resolution duly passed in each open session at a Council meeting;
- b) the Mayor or Deputy Mayor and General Manager jointly, in the event of extenuating circumstances; or
- c) the Mayor or Deputy Mayor and General Manager jointly, where such conference is for one day or less, or does not involve an overnight stay.
- d) in accordance with the Council's Training and Professional Development for Councillors programme.

Council is mindful of the need to provide continuous training and development to Councillors and will continue to provide in its Annual Budget sufficient funds to allow Councillors to attend Training and Development courses. The attendances at these courses will be authorised in accordance with the requirements of this Policy.

2.10 Substitute Attendee

By the adoption of this Policy authority is hereby delegated to the Mayor or 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.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

What Conferences may be Attended

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

- Local Government NSW (LGNSW), Local Government Women's Association (LGWA), and Australian Local Government Association (ALGA) conferences, NSW Public Libraries Conference and other special "one-off" conferences called for or sponsored by any of those Associations;
- Annual conferences of the major professions in Local Government;
- Regional Organisation of Councils conferences and Joint Organisation of Councils conferences;
- Conferences which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions; and
- Conferences or meetings of organisations or bodies to which a Councillor has been elected or appointed as a delegate or member of the Council.

PART 3 – CONFERENCE COSTS

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

3.1 Registration

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

3.2 Accommodation

Accommodation costs including the night before and/or after the conference where that is necessary due to travel and/or conference timetables. Council will normally meet the cost of accommodation by a Council order or credit card. However, if a Councillor meets this cost, reimbursement will be made on the production of receipts.

3.3 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 if 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 or Deputy Mayor and General Manager.
- c) Where private vehicle is used under (b) above, the Mayor or Councillor may claim the "kilometre" allowance at the date of travel as per the Local Government (State) Award.
- d) Hire cars, taxi fares and parking costs are reasonably required in attending conferences.

3.4 Out-of-pocket Expenses

Out-of-pocket expenses to the value of \$100 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; and
- e) Any optional activity in a conference program but excluding any pre- or post-conference activities.

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

3.5 Travel Bonus and Loyalty Points Schemes

The Mayor and Councillors shall not be entitled to claim travel bonus or other loyalty points relating to air travel or other expenses incurred by them. The Mayor or Councillor must surrender any bonus or points to the airline or service provider before reimbursement of the expense by Council.

3.6 Conference Costs – Payment in Advance

- a) The Council will normally pay registration fees, accommodation costs and airline tickets direct to conference organisers/ travel agents 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.
- 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.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

LOCAL TRAVEL COSTS – WITHIN LOCKHART 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 Councillor.

3.7 Use of Private Vehicles by 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 a conference and official engagements and functions where the Councillor has been authorised by the Council to do so or is deputising for the Mayor.

TRAVEL COSTS OUTSIDE OF LOCKHART LOCAL GOVERNMENT AREA – USE OF MAYOR'S AND COUNCILLORS' PRIVATE VEHICLES

The Mayor, or a Councillor, who elects to use a registered private vehicle may claim a kilometre allowance for use of private vehicles when used by the most direct route to travel between their place of residence within Lockhart local government area, and return, to:

- a) Attend any conference as defined in the Policy held outside the Lockhart local government area and return, where use of the private vehicle is authorised by the Mayor or Deputy Mayor and 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) Payment is subject to a claim on the prescribed claim form being lodged by the Mayor or Councillor, and made no later than three (3) months after the travel occurred. Claims lodged for travel occurring more than three (3) months before the claim is lodged shall not be paid.
- d) The driver will be responsible for any traffic or parking fines while travelling in a private or Council vehicle when on Council business.

PART 4 – CARE AND OTHER RELATED EXPENSES

4.1 Child and carers costs – Councillors

- a) Council will reimburse the Councillor's cost to a maximum of \$80 to cover a four (4) hour engagement of a "baby-sitter" or carer where required to allow the Councillor to attend any Council, Standing Committee, Advisory Committee Meeting or a Council workshop (as defined in the Code of Meeting Practice).
- b) The four (4) hours period shall include the period of 30 minutes prior to and after the conclusion of the meeting or workshop.
- c) An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops that go beyond the 4 hours engagement period referred to above.
- d) Reimbursement claims under this clause must be supported by receipts.

PART 5 - INSURANCE EXPENSES AND OBLIGATIONS – MAYOR AND COUNCILLORS

The Mayor and Councillors may receive the benefit of insurance cover to the limit specified in Council's insurance policies for the following:

5.1 Personal Accident

Personal accident and sickness whilst the insured person is engaged in or on any activity directly or indirectly connected with or on behalf of the Council including whilst travelling directly to and from such activity. Personal accident insurance also provides specified benefits for lost income arising from total disablement and partial disablement. The Policy also provides limited cover for a Councillor's accompanying partner/spouse. The cover does not include medical expenses.

5.2 Councillors' and Officers' Liability (Including Employment Practices Liability)

Applies to cover expenses incurred by Councillors in respect of claims made against them for any alleged wrongful acts arising out of their official capacities (but excludes cover for statutory penalties).

5.3 Statutory Liability

Applies to cover penalty and defence costs payable by Councillors to any regulatory authority pursuant to any Act for a (not deliberate) wrongful statutory breach, whilst acting within the scope of their duty.

5.4 Property - Personal Effects - Council Premises

Councillors are covered for limited loss or damage of personal effects stored on Council's premises subject to the terms and exclusions of the Council's Property Policy and an excess to be paid by Council.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

- 5.5 Commercial Motor Vehicles Policy - Personal Property; Travelling
Councillors are provided with limited cover for personal property and private baggage, whilst travelling on authorised Council business. A number of restrictions and sub-limits apply.
- 5.6 Indemnity of each insured person(s) (Mayor/Councillors) for all costs, charges, expenses and defence costs but excluding fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any wrongful act wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), but subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.
- 5.7 Legal assistance for Mayors and Councillors
- a) Legal Assistance for Mayor and Councillors. Subject to 5.7 b)(III) below, legal assistance will be provided to the Mayor and Councillors in the event of an enquiry, investigation or hearing, into the conduct of a Councillor by:
- The Independent Commission Against Corruption.
 - The Office of the Ombudsman.
 - The Department of Local Government.
 - The Police.
 - The Director of Public Prosecutions.
 - The Local Government Pecuniary Interest Tribunal
 - Conduct Review Committee/Reviewer
- b) Subject to 5.7 b)(III) below
- (i) Legal assistance will be provided to the Mayor and Councillors in respect of legal proceedings being taken by or against them arising out of or in connection with the Mayor and Councillor's performance of their civic duties or exercise of their functions as a Mayor or Councillor.
- (ii) Council by resolution may reimburse the Mayor and such Councillor after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.
- (iii) Legal assistance and reimbursement as specified above will only be provided upon resolution of the Council and subject to the following conditions:
- The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Mayor or Councillor on any basis and
 - The enquiry, investigation, hearing or proceeding results in a finding substantially in favour of the Mayor or Councillor and
 - The amount of such reimbursement is limited to the equivalent of the fees being charged by the Councillors' Solicitors.

PART 6 - ADDITIONAL MAYORAL EXPENSES

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

- 6.1 Transport
- a) (i) The Mayor will not be provided with a Mayoral vehicle. In the event of the Mayor requiring a vehicle to attend to his civic duties on request to the General Manager, the General Manager will provide a Council owned vehicle to the Mayor for this purpose.
- (ii) Car Allowance – where the Mayor elects to provide his/her own vehicle for any functions related to the Office of Mayor for the Mayoral term, he/she is entitled to claim payment of a car allowance in accordance with the Local Government (State) Award.
- b) Where the Deputy Mayor, at any time, is required to act in the Office of Mayor, the provisions of Part 6.1 apply.
- 6.3 Secretarial Services including typing, photocopying, printing, postage, facsimile, computer and telephone facilities.
- 6.4 Administrative assistance associated with any Council functions, meetings, publications and the like.
- 6.5 Office, Council and Standing Committee meetings, and Civic and Mayoral Reception refreshments.
- 6.6 Entrance costs and complimentary tickets including that of an accompanying person for official functions where the Mayor has been invited to that function in his/her capacity as Mayor.
- 6.7 Home telephone rental and all Council related telephone costs subject to submission of appropriate documentation.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

PART 7 - PROVISION OF FACILITIES

Councillors are entitled to payment of expenses or re-imbursement of the following expenses, and to receive the benefit of the following facilities generally:

- 7.1 Reasonable refreshments associated with Council and Council Committee meetings, workshops and meetings with the Mayor or Councillors with Parliamentary representatives, visiting dignitaries and other delegations.
- 7.2 Stationery comprising business cards, writing pads and pens, name badges etc.
- 7.3 An iPad or tablet with internet access.
- 7.4 A corporate sports coat and corporate polo shirt during the term of the Council.
- 7.5 Secretarial services to facilitate the discharge of functions of civic office.
- 7.6 Entrance cost and complimentary tickets including that of an accompanying person for official functions (where invited as a Councillor).
- 7.7 Meals and Refreshments including meals on evenings of Council meetings and official dinners, light refreshment at committee and working party meetings.

PART 8 - PROVISION OF EQUIPMENT AND FACILITIES FOR MAYOR AND COUNCILLORS

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

PART 9 - OTHER MATTERS

ACQUISITION AND RETURN OF FACILITIES AND EQUIPMENT BY COUNCILLORS

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

STATUS OF THE POLICY

*Confirmed by Council – 19 April 2022
Refer Minute No. 82/22*

*Confirmed by Council – 19 December 2016
Refer Minute No. 351/16*

*Confirmed by Council – 17 August 2015
Refer Minute No. 196/15*

*Confirmed by Council - 18 August 2014
Refer Minute No. 228/14*

*Reviewed by Council - 17 June 2014
Refer Minute No. 154/14*

*Confirmed by Council – 17 February 2014
Refer Minute No. 23/14*

*Reviewed by Council – 18 November 2013
Refer Minute No. 357/13*

*Confirmed by Council 19 November 2012
Refer Minute No. 415/12*