

Councillor Expenses and Facilities Policy

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Preliminary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to the Mayor and Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

1 Introduction

1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of the City of Coffs Harbour (City).
2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per s241 of the Act and reviewed annually. The City must adopt its annual fees within this set range.

2 Policy objectives

The objectives of this policy are to:

- a) enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- b) enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- c) ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- d) ensure facilities and expenses provided to Councillors meet community expectations
- e) support a diversity of representation
- f) fulfil the council's statutory responsibilities.

3 Principles

The City commits to the following principles:

1. **Proper conduct** - Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
2. **Reasonable expenses** - providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor

3. **Participation and access** - enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
4. **Equity** - there must be equitable access to expenses and facilities for all Councillors
5. **Appropriate use of resources** - providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
6. **Accountability and transparency** - clearly stating and reporting on the expenses and facilities provided to Councillors.

4 Private or political benefit

1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
2. Private use of council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.
3. Such incidental private use does not require a compensatory payment back to council.
4. Councillors should avoid obtaining any greater private benefit from the City than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, Councillors must reimburse council.
5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - a) Production of election material
 - b) Use of council resources and equipment (e.g. mobile devices) for campaigning
 - c) Use of official council letterhead, publications, websites or services for political benefit
 - d) Fundraising activities of political parties or individuals, including political fundraising events.

5 General expenses

1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6 Specific expenses

6.1 General travel arrangements and expenses

1. Where travel by motor vehicle is used, the City will provide Councillors access to a suitable vehicle(s) (if available) for use on official duties connected with the office of Councillor.
2. If a City vehicle cannot be made available, Councillors can take their private vehicle subject to:
 - a) The vehicle being registered at time of use
 - b) The vehicle having full comprehensive insurance.
 - c) prior approval of the General Manager.
3. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
4. The Mayor and each Councillor may be reimbursed up to the total in Table 1 – Point 1 per year for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement for:
 - a) public transport fares

- b) the use of a private vehicle or hire car
 - c) parking costs for Council and other meetings
 - d) tolls
 - e) documented ride-share programs, such as Uber, where tax invoices can be issued.
5. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate as determined by the Australian Tax Office for use of private vehicles.
 6. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

6.2 Interstate, overseas and long distance intrastate travel expenses

1. In accordance with Section 4, the City will scrutinise the value and need for Councillors to undertake overseas travel. Councillors should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
2. Total interstate, overseas and long distance intrastate travel expenses for all Councillors is included in the total travel expenses as detailed in Table 1 – Point 1 This amount will be set aside in the City's annual budget.
3. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
4. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval at a council meeting prior to travel. The use of a Mayoral Minute to obtain council approval for overseas travel is not appropriate as it is not consistent with principles of openness and transparency.
5. The case should include:
 - a) objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - b) who is to take part in the travel
 - c) duration and itinerary of travel
 - d) a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
6. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
7. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
8. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
9. Bookings for approved air travel are to be made through the General Manager's Office.
10. For air travel that is reimbursed as council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

6.3 Travel expenses not paid by Council

The City will not pay any traffic or parking fines or administrative charges for road toll accounts.

6.4 Accommodation and meals

1. 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 finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

2. The daily limits for accommodation and meal expenses within Australia will be those set out in the latest [ATO determination](#) for meal allowance expense amounts.
3. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager.

6.5 Refreshments for council related meetings

1. Appropriate refreshments will be available for council meetings, council committee meetings, Councillor briefings, approved meetings and engagements, and official council functions as approved by the General Manager.
2. As an indicative guide for the standard of refreshments to be provided at council related meetings, the General Manager must be mindful of the latest ATO determination for meal allowance expense amounts.

6.6 Professional development

1. The City will set aside the total in Table 1 – Point 3 per Councillor/Mayor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
2. In the first year of a new council term, the City will provide a comprehensive induction program for all Councillors which consider 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 funding.
3. 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.
4. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
 - a) details of the proposed professional development
 - b) relevance to council priorities and business
 - c) relevance to the exercise of the Councillor's civic duties.
5. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Section 4, point 4 above, as well as the cost of the professional development in relation to the Councillor's remaining budget.

6.7 Conferences and seminars

1. The City is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
2. The City will set aside the total in Table 1 – Point 4 annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
3. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
 - a) relevance of the topics and presenters to current council priorities and business and the exercise of the Councillor's civic duties
 - b) cost of the conference or seminar in relation to the total remaining budget.

4. The City will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. The City will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Section 6.4, points 2 and 3.

6.8 Information and communications technology (ICT) expenses

1. The City will provide each Councillor with an appropriate ICT devices (at the City's discretion) and additional services up to the limit as detailed in Table 1 – Point 5 (This may include, mobile phone and tablet services and data).
2. Communications devices and services provided for Councillors to undertake their civic duties, such as:
 - a) Receiving and reading council business papers
 - b) Relevant phone calls and correspondence
 - c) Diary and appointment management.

The monthly mobile plan provided to Councillors will be part of the City's whole plan and includes unlimited Australia wide calls and data. In accordance with Section 4, points 2 and 4 Councillors are expected to keep personal use to minimum.

3. The City will install applications on their supplied devices that are directly related to their duties as a Councillor.

6.9 Special requirement and carer expenses

1. The City encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
2. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
3. 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. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of the amount as detailed in Table 1 – Point 6 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
5. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
6. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

6.10 Payment of expenses for spouses, partners and accompanying persons.

1. There are limited circumstances where the City will reimburse some expenses incurred by a spouse, partner or accompanying person (accompanying person) when they accompany a Councillor fulfilling their official duties. The City will only cover the direct cost of attending the function such as registration or ticket and if applicable, an official dinner. All other costs (e.g. travel, additional accommodation, additional meals, and peripheral expenses such as grooming, special clothing etc.) will not be reimbursed by Council
2. Functions included are ones of a formal and ceremonial nature and where a Councillor's accompanying person could be reasonably expected to attend. Examples could include but not be limited to: Australia Day award ceremonies, citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the City.

6.11 Remuneration in relation to the Northern Regional Planning Panel (NRPP)

Councillor members on the NRPP will be remunerated at the rates declared by the Minister for members that are 'representative of the community.' This is currently \$500 [Current Minister's Remuneration Determination](#).

7 Insurances

1. In accordance with s382 of the *Local Government Act*, the City is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of their 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.
3. The City shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
4. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on council business.

8 Legal assistance

1. The City may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a) a Councillor defending an action arising from the performance in good faith of a function under the Act provided that the outcome of the legal proceedings is favourable to the Councillor
 - b) 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
 - c) 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.
2. 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.
3. 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. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
4. The City will not meet the legal costs:
 - a) of legal proceedings initiated by a Councillor under any circumstances
 - b) of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - c) for legal proceedings that do not involve a Councillor performing their role as a Councillor.
5. Reimbursement of expenses for reasonable legal expenses must have the City's approval by way of a resolution at a council meeting prior to costs being incurred.

9 General facilities for all Councillors

9.1 Facilities

1. The City will provide the Councillors with a designated area appropriately furnished (including telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol) to assist them to effectively discharge their civic duties.
2. Access to shared car parking with attending council offices on official business
3. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through the Executive Assistant to the Mayor.
4. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

9.2 Administrative support

1. The City will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office.
2. As per Section 4, council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10 Additional facilities for the Mayor

1. The City will provide the Mayor with a suitable and appropriate vehicle fully serviced and maintained for both civic use. In the event of the vehicle being used for private use, fuel will be at the expense of the Mayor.
 - a) Where possible, refuelling for civic use should be from the City's fuel Bowser at the City's Marcia Street Depot.
 - b) A fuel card is provided for refuelling when outside of the Local Government Area for civic use.
2. If the Mayor chooses not to be provided a fully serviced and maintained City vehicle (as described in point 1 above) the Mayor can use their own private vehicle and seek reimbursement of fuel used based on the ATO Cents per kilometre reimbursement rate for civic use if the fuel card was not used.
3. The City will provide the Mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
4. In performing their civic duties, the Mayor will be assisted by Executive Assistant to the Mayor providing administrative and secretarial support, as determined by the General Manager.
5. The number of exclusive staff provided to support the Mayor and Councillors will not exceed one full time equivalent.
6. As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
7. The Mayor will be provided a corporate purchase card to be used for official City business. The corporate purchase card is to be used in situations where it is not reasonably possible to go through the City's normal procedures for the ordering and/or payment for goods or services.

11 Approval, payment and reimbursement arrangements

1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- a) local travel (from place of residence) relating to the conduct of official business
 - b) carer costs
4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

11.1 Direct payment

The City may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager (through the Executive Assistant for the Mayor) for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

11.2 Reimbursement

All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Executive Assistant for the Mayor.

11.3 Notification

1. If a claim is approved, council will make payment directly or reimburse the Councillor through accounts payable.
2. If a claim is refused, council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

11.4 Reimbursement to council

1. If council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - a) council will invoice the Councillor for the expense
 - b) the Councillor will reimburse council for that expense within 14 days of the invoice date.
2. If the Councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

11.5 Timeframe for reimbursement

Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12 Disputes

1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
2. If the Councillor and the General Manager cannot resolve the dispute, then the decision is to be reviewed by the Audit and Risk Committee.

13 Return or retention of facilities

1. All unexpended facilities or equipment supplied under this policy must be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties (i.e. Prior to a Local Government Election for Councillors, or at declaration of poll in the case of the Mayor).

14 Publication

This policy will be published on council's website.

15 Reporting

1. The City will report on the provision of expenses and facilities to Councillors as required in the Act and Regulation.
2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16 Auditing

The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken on a random selection.

17 Breaches

1. Suspected breaches of this policy are to be reported to the General Manager.
2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

18 Definitions

N/A

19 Key Responsibilities

The General Manager has overall responsibility for Communication, Implementation and Review.

20 References

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- DLG 'Guidelines for the payment of expenses and the provision of facilities to mayors and Councillors'. October 2009
- Code of Conduct Policy
- ICAC publication 'No excuse for Misuse' e.g. Related legislation;

21 Details of Approval and revision

- **Approval date:** 8/12/2022
- **Responsible Group:** Governance Services Group
- **Responsible Section:** N/A
- **Superseded policies/procedures:** N/A
- **Next review date:** 28/08/2025

Table of amendments

Amendment	Authoriser	Approval ref	Date
Updated policy to the OLG better practice template which also established monetary limits for travel, seminars, conferences and professional development for the Mayor and Councillors.	Council	2021/117	09/07/2021
Tabled in accordance with s252(1) of the <i>Local Government Act 1993</i> . Only minor formatting changes and updates to legislation were made, this has no impact on this policy	Council	2022/264	02/12/2022
Added '6.11 Remuneration in relation to the Northern Regional Planning Panel (NRPP) 'Councillor members on the NRPP will be remunerated at the rates declared by the Minister for members that are 'representative of the community.' This is currently \$500 Current Minister's Remuneration Determination'. Considered minor, so it is an amendment to the current version.	Council	2022/303	08/12/2022

22 Appendix - Monetary amounts for Councillor expenses and facilities

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Table 1: Monetary amounts for Councillor expenses and facilities

	Expense or facility	Maximum amount	Frequency
1.	General travel expenses (Interstate, overseas and long distance intrastate travel expenses are included)	\$20,000 between the Councillors \$9,000 for the Mayor	Per year
2.	Accommodation and meals	latest <u>ATO determination</u> for meal allowance expense amounts	Per meal/night
3.	Professional development (Not including inductions)	\$1,500 per Councillor \$3,250 for the Mayor	Per year
4.	Conferences and seminars	\$2,000 per Councillor	Per year
5.	ICT expenses (not including hardware)	\$600 per Councillor	Per year
6.	Carer expenses	\$3000 per Councillor	Per year
7.	Access to facilities in a designated area [See Section 9.1]	Provided to all Councillors	Not relevant
8.	City vehicle and fuel card [See Section 10]	Provided to the Mayor (nil contribution)	Not relevant
9.	Reserved parking space at the City's offices	Provided to the Mayor	Not relevant
10.	Furnished office [See Section 10]	Provided to the Mayor	Not relevant
11.	Number of exclusive staff supporting Mayor and Councillors [See Section 10]	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.