



Payment of Expenses and Provision of Facilities to Councillors Policy

MSC02E

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Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to 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.

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

Expense or facility	Maximum amount	Frequency
General travel expenses	\$10,000 total	Per year
Interstate, overseas and long distance intrastate travel expenses	\$ as above	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually \$9,789 total	Per meal/night
Professional development	\$17,052 total	Per year
Conferences and seminars	\$4,000 total for all councillors	Per year
ICT expenses (inc telephone usage)	\$1,623 total for all councillors	Per year
Carer expenses	\$6,000 total for all councillors	Per year
Access to facilities in a Councillor common room [where applicable Clause 9.1]	Provided to all councillors	Not relevant
Council vehicle and fuel card [where applicable Clause 10] - Mayor	\$12,508	Per year.
Reserved parking space at Council offices	Not provided	Not relevant
Furnished office [where applicable Clause 10]	Provided to the mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors [where applicable Clause 10]	Provided to the mayor	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.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

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.

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Muswellbrook Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. 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.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. 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 Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. To comply with the provisions of Section 252 of the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2021 (the regulations) and the Guidelines released by the Office of Local Government (October 2009) concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and Councillors in relation to discharging the functions of Civic Office.

Note: This policy excludes annual fees paid to the Mayor and Councillors under sections 248-251 inclusive of the Act

3. Principles

- 3.1. Council commits to the following principles:
 - Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
 - Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as acCouncillor
 - Equity:** there must be equitable access to expenses and facilities for all councillors
 - Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
 - Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or political benefit

- 4.1. In carrying out their civic duties Councillors should not obtain any private benefit from the provisions or facilities provided to them. Any such loyalty programs while on Council business should be avoided. It is however, acknowledged that incidental use of Council resources derives a minor personal benefit. This minor benefit is not subject to compensatory payment back to Council.

Part B – Expenses

5. General expenses

- 5.1. Council in accordance with Section 252 of the Act and Clause 403 of the Regulations will not provide an allowance for general expenses to any Councillors under any circumstance.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.
- 6.2. In the case accommodation is to be provided to Councillor(s) the cost of the accommodation should be reasonable.

Interstate, overseas and long distance intrastate travel expenses

- 6.3. The General Manager has authority to approve interstate travel.
- 6.4. Where Councillors or staff propose to travel interstate:
- a) Applications must be approved by the General Manager prior to the travel being arranged.
- 6.5. Where the cost of the travel is expected to exceed \$1,500 per person, then the application for travel is to outline:
- a) Who is to take part in the travel;
 - b) The objectives to be achieved, including any staff professional development, organisational or community benefits;
 - c) Details of costs;
 - d) Any contribution proposed by the applicant.

Travel expenses not paid by Council

- 6.6. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.7. [Rural and regional councils may wish to include the following clause:] 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.

- 6.8. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside [insert relevant region e.g. metropolitan Sydney/the Hunter/the Murray].
- 6.9. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.10. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.19.
- 6.11. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.12. 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.
- 6.13. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.14. Council encourages Councillors to attend Councillor Development (training) courses and programs in line with the Office of Local Governments Professional Development Guide for Councillors. Expenses will be paid under the same conditions in clause 2.1 above.
- 6.15. Councillors who attend professional development courses are required to make an application to the General Manager. Applications are to be submitted on the prescribed form (a copy of the form is attached to this policy). Attendance at these functions is subject to annual budget limits and must be jointly approved by the General Manager and Mayor.

Conferences and seminars

- 6.16. Council will be responsible for the expenses of the Councillors attending conferences, seminars, meetings and official engagements and functions, where the Councillor has been duly authorised by the General Manager, or is deputising for the Mayor.
- 6.17. Council will meet the direct costs associated with the conference, seminar, and the like. These costs may include registration fees, travel costs, accommodation, official lunches and dinners, and associated tours where they are relevant to the business and interest of Council.
- 6.18. Council will also be responsible for meals not included in the conference fee for attendance by Councillors at these functions. A maximum of seventy five (\$75) dollars per Councillor, per day will be reimbursed for expenses claimed under this provision.
- 6.19. Upon their return Councillors, or a member of staff accompanying the Councillor/s, should provide a written report to Council on the aspects of the conference relevant to Council business and/or the local community.

Information Technologies and Resources

- 6.20. Council may provide resources in accordance with Council Policy – IT Policy for Councillors and Acceptable Use Policy. The use of such equipment, if provided, is to be in accordance with these policies.
- 6.21. The resources include iPads, scanners and printers, email, facsimiles, internet, intranet, mobile telephones, pagers, telephones, two way radios and digital cameras.

- 6.22. Council will also provide on request and at Council's expense a multi-function fax/copier/telephone and internet connection. Such resources shall remain the property of the Council.

Special requirement and carer expenses

- 6.23. Council will reimburse a Councillor's reasonable carer expenses up to an amount of \$6,000 per year, to cover the engagement of a babysitter or carer where required to allow the Councillor to attend to official obligations and/or professional development. Reimbursement does not apply where the care is provided by a parent or by a spouse of a parent of the child.
- 6.24. In the event, carer expenses exceed the annual limit, reimbursement will be provided subject to the submission of a formal claim for reimbursement to the Mayor and the General Manager who will decide upon the request.
- 6.25. Councillors claiming the carer expense should not be subject to criticism for doing so.

7. Insurances

- 7.1. Council will provide all Councillors with personal accident cover, Councillors' and Officers' Liability Insurance and other appropriate insurance cover required in the discharge of their official duties.

8. Legal assistance

- 8.1. Council may reimburse reasonable legal expenses in the following circumstances:
- a) A Councillor defending an action arising from the performance in good faith of a function under the Act (section 731); or
 - b) A Councillor defending an action in defamation provided the statements complained of were in good faith in the course of exercising a function under the Act; or
 - c) A Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding not substantially unfavourable to the Councillor.
- 8.2. Expenses are not covered in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. Council will not meet the costs of a Councillor seeking advice in respect of the Councillor taking possible defamation action, or in seeking a non-litigious remedy for possible defamation. Council will not meet the costs of legal proceedings initiated by a Councillor under any circumstances.
- 8.3. Prior to incurring any legal expenses, Councillors must seek in writing, where possible to do so, approval through Council resolution to claim reasonable legal costs.

Part C – Facilities

9. General facilities for all councillors

Facilities

- 9.1. Council will provide facilities to support the Mayor and the Councillors to undertake their functions of Civic Office.
- 9.2. Use of Council resources is subject to provisions of the Code of Conduct and Council's Policies.

- 9.3. Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.

Stationery

- 9.4. Council will provide, upon request, the following stationery to Councillors to be used only on Council business:
- a) Writing Pads
 - b) Envelopes
 - c) Paper
 - d) Business Cards
 - e) Writing Pens
 - f) Diary
 - g) Postage for associated mailing of official correspondence.

Administrative support

- 9.5. Council will provide an administrative service to all Councillors to facilitate the discharge of functions of Civic Office.

10. Additional facilities for the mayor

- 10.1. The Mayor may be provided with a fully maintained motor vehicle to discharge the function of Civic Office and the performance of Council business. The vehicle will be of an appropriate standard as agreed by the Mayor and the General Manager. The mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to council on a monthly basis.
- 10.2. The vehicle shall always remain the property of the Council.
- 10.3. The Mayor will be entitled to use the motor vehicle for purposes other than the discharge of functions of the Civic Office and the performance of Council business. Fees payable to the Mayor will not be reduced for any private benefit gained from the private use of the vehicle.
- 10.4. The Mayor is entitled to authorise any licensed driver to drive the Mayoral vehicle.
- 10.5. Communication facilities will be included with the vehicle for use on Council business and will remain the property of the Council. The Council will pay associated costs/rentals.
- 10.6. Council shall reimburse the Mayor for any incurred fuel, oil, parking fees, or similar vehicle costs.
- 10.7. The vehicle will be fitted with a dedicated electronic toll tag for tollways throughout Australia. Council will be responsible for the associated costs and any accumulated fares accrued by utilising the electronic toll tag.
- 10.8. Council will provide a furnished office suite, "Mayor's Room" located in the Administration Centre, available to the Mayor.
- 10.9. The Mayor will be provided with information technology resources to be used at the Administration Centre, or any location, which the Mayor may decide, with all costs being paid by Council. The Mayor will be given access to all Council data necessary for the discharge of Mayoral duties and be subject to access and usage protocols observed by all users of Council's computer system.

- 10.10. Council will provide the Mayor with appropriate communication facilities (E.g. mobile phone, Blackberry or similar) with a monthly usage limit not exceeding seventy five dollars (\$75). Amounts exceeding this limit should be advised to the General Manager.
- 10.11. The use of such equipment, if provided, is to be in accordance with the guidelines set out in Council Policy – IT Policy for Councillors and Acceptable Use Policy.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
 - carer costs
- [where councils have a total expenses cap for ICT devices and services, insert the following point:]
ICT expenditure.
- 11.4. Final approval for payments made under this policy will be granted by the general manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the manager [insert relevant council division] for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6. 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 manager [insert relevant council division].

Advance payment

- 11.7. Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance is \$[insert] per day of the conference, seminar or professional development to a maximum of \$[insert].
- 11.9. Requests for advance payment must be submitted to the manager [insert relevant council division] for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

11.11. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.

11.12. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

11.13. 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:

council will invoice the councillor for the expense

the councillor will reimburse council for that expense within 14 days of the invoice date.

11.14. 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.

Timeframe for reimbursement

11.15. 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

12.1. A Councillor shall notify the Mayor in writing of any dispute or grievance in relation to the payment of an expense or facilities claim provided to Council. A meeting shall be held between the Councillor, Mayor and the General Manager to discuss the grievance or dispute. A remedy should be reached within two weeks of the notification. If the matter remains unresolved, independent dispute resolution advice may be sought.

12.2. In any situation where a request, dispute or payment involves the Mayor, the Deputy Mayor will be required to authorise the process.

13. Return or retention of facilities

13.1. At the time a Councillor ceases to hold the office of Councillor, all property of the Council in the Councillor's possession must be returned to the General Manager.

13.2. Council may provide Councillors with the opportunity to purchase Council equipment previously allocated to them at the cessation of their duties. If Council makes available such an option, the item for sale should be purchased at an agreed fair market price or written down value. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

14.1. This policy will be published on council's website.

15. Reporting

15.1. Council is required to include in its Annual Report:

- a) Total amount of money expended during the year on Mayoral Fees and Councillor Fees;

- b) Council's policy on the provision of facilities for, and the payment of expenses to Councillors;
 - c) Total amount of money expended during the year on providing those facilities and paying those expenses.
 - d) Such other information the Local Government (General) Regulations 2021 may require;
 - e) Reporting requirements regarding Councillor Expenses and facilities as included in the NSW OLG Reporting Guidelines pursuant TO section 406 of the Act.
- 15.2. In addition Councils are required to report on the total cost of all expenses and facilities, and the total cost of each of the following types of expenses and facilities:
- a) Dedicated office equipment
 - b) Telephone calls
 - c) Attendance at conferences and seminars
 - d) Councillor training
 - e) Interstate visits
 - f) Overseas visits
 - g) Spouse/partner expenses
 - h) Carer expenses.
- 15.3. In addition to the statutory reporting requirements, Council will report other costs where these are significant. For example, Council will report the cost of the provision of facilities and equipment where such provision is above what would normally be required for the day-to-day running of the Council.

Auditing

- 15.4. The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least every two years.

16. Breaches

- 16.1. Suspected breaches of this policy are to be reported to the general manager.
- 16.2. 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.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

Local Government Act 1993, Sections 23A, 252-254A, 382 and 428

Local Government (General) Regulation 2005, Clauses 217 and 403

Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009

Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities

Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

Code of Conduct

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> meetings of council and committees of the whole meetings of committees facilitated by council civic receptions hosted or sponsored by council meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the <i>Local Government (General) Regulation 2005</i> (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

MUSWELLBROOK SHIRE COUNCIL - COUNCILLOR EXPENSES CLAIM

PERSONAL DETAILS	
Date:	
Name:	

DETAILS OF EXPENSES CLAIMED	
Type of Expenses e.g. Professional development, child care, travel etc.	
Course (if applicable):	
Provider:	
Cost:	
Location:	
Accommodation details (if applicable):	
Cost of Accommodation (if applicable):	
Meals	
Other expenses	
General Ledger No.	

I hereby certify that the expenses claimed are in relation to a council approved activity and were incurred by me discharging the functions of civic office.

I have attached all receipts and/or diary statement to verify expenses.

Councillor signature

Date

OUTCOME OF EXPENSES CLAIMED	
<input type="checkbox"/> Approved <input type="checkbox"/> Declined	
Date of payment:	
Name:	
Position:	
Signature:	
Date:	

Conference and Seminar Expenses	1060.0010.500
Mobile Telephones	1060.0270.565
Meal (sustenance) expenses	1060.0450.557
Spouse/partner/accompanying person expenses	1060.0450.581
Care and other related expenses	1060.0450.582
Councillor Development	1060.0451.500
Travelling expenses	1060.0820.003

TOTAL

MUSWELLBROOK SHIRE COUNCIL

COUNCILLOR DEVELOPMENT PROGRAM

COUNCILLORS PROFESSIONAL DEVELOPMENT COSTS WILL BE COVERED WHERE THEY RELATE TO THEIR OBLIGATIONS AS AN ELECTED REPRESENTATIVE OF LOCAL GOVERNMENT AS OUTLINED IN THE NSW OFFICE OF LOCAL GOVERNMENT COUNCILLOR HANDBOOK AND COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDE FOR COUNCILS.

PERSONAL DETAILS	
Date:	
Name:	
Councillor Signature:	

COURSE DETAILS & ASSOCIATED COSTS	
Course Name:	
Provider:	
Cost:	
Location:	
Other details about the course:	
Accommodation details (if applicable):	
Cost of Accommodation (if applicable):	
General Ledger No	
Any additional time required to attend the course or travel to the course:	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate the proposed additional time required: _____ _____

DESIRED SKILLS TO BE ACQUIRED THROUGH THIS TRAINING

- NOTE THE *GUIDE FOR PROFESSIONAL DEVELOPMENT FOR COUNCILLORS*

OUTCOME OF TRAINING REQUEST

☐ Approved

☐ Declined

Date of meeting:	
Name:	
Position:	
Signature:	
Date:	

Authorisation Details

Authorised by:	Council
Minute No:	xxx
Date:	xxx
Review timeframe:	xxx
Department:	Governance
Document Owner:	Policy Officer

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1.0.8	09/06/2022		Kimberley Cotter	<p>Relevant provisions from current policy merged with the suggested Payment of Expenses and Provision of Facilities to Councillors template provided by OLG.</p> <p>Provisions in the current policy that are not also in the OLG template were omitted.</p> <p>Figures updated in accordance with 2022-23 budget.</p>