

# Payment of expenses and provision of facilities for Mayor and Councillors Policy

## 1 Document Information

<b>Version Date</b> <i>(Draft or Council Meeting date)</i>	27 March 2018
<b>Author</b>	Administration Manager
<b>Owner</b> <i>(Relevant director)</i>	Director of Finance & Corporate Services
<b>Status –</b> <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
<b>Next Review Date</b>	Within the first 12 months of each term of Council
<b>Minute number</b> <i>(once adopted by Council)</i>	18/03/08

## 2 Summary

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

## 3 Approvals

Title	Date Approved	Signature
General Manager		

## 4 History

Minute No.	Summary of Changes	New Version Date
00/1/10	Complete Review	17/01/00
01/02/10	Addition of Uniform Contribution	19/02/01
04/05/16	Amended	17/05/04
05/07/9	Amended after advertising to allow for laptops for councillors and a mobile phone for the Mayor	18/07/05
18/03/08	Readopted as per s165(4)	27/03/2018

Draft	Amended to comply with DLG updated guidelines – Circular 07-22 refers	October 2008
08/10/15	Draft amended at October 2008 Council meeting to add provision for Internet access reimbursement and advertised for public submissions.	
08/12/26	Adopted without further change at December 2008 Council meeting	December 2008
09/06/14	Amended at June Council Meeting that where individual limits are set for Councillors such limitations are a global amount and not a strict individual limit.	15/06/09
09/08/36 - 2	Credit Card facility for Mayor with \$3,000 limit approved	17 August 2009
Draft	Policy reviewed in accordance with DLG revised Guidelines October 2009.  Additional clarification added (pg 10) in relation to non payment of expenses relating to political fundraising events, or donations to a political party or candidate's electoral fund.  A process to resolve any disputes that arise about the provision of expenses and facilities was added (page 8). No other substantial change required. Submitted to October Council meeting.	October 2009
09/11/10	Adopted without further change at November 2009 Council meeting	November 2009
10/02/17	Readopted by Council.	15 February 2010
10/08/17, 18, and 19	Reviewed for 2011. Draft prepared for September 2010 Council meeting. Corrected omission of annual maximum limits for Mayoral Phone, vehicle and noted Councillors' out of area travel covered within travel expense item. Provision of credit card and multifunction printer/copier/scanner and consumables for at home use by Mayor added.	August 2010
PIBs	Council determined to withdraw the provision of a multifunction printer/copier/scanner and consumables for at home use by the Mayor.	September 2010
10/11/15	Adopted by Council – additionally “Department” updated with “Division”.	15 November 2010
11/11/28	Reviewed for 2012. Draft prepared for September Council meeting. No substantial changes made. Readopted by Council.	November 2011
12/11/11	Reviewed for 2013. Draft prepared for September Council meeting. Combined policy re alternate delegates (Minute No. 94/3/27). <i>Amendment to provide iPads and associated requirements in lieu of laptops and remove reference to reimbursement of internet access.</i>	November 2012
13/09/13	Reviewed for 2014. Draft endorsed to invite	September 2013

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	submissions at September Council meeting with the Internet Access plan upgraded to 4GB.	
13/11/14	Adopted without further change	19 November 2013
14/09/24	Reviewed for 2015. Requirement to report councillor activities annually to Council removed. Changes made consistent with change of name of DLG to OLG.  Increase in value of Mayor's vehicle maximum limit.  Wording relating to Training and Education Expenses amended by deleting the 1st and 3rd paragraphs and amending the 4th paragraph.	September 2014
14/11/09	Adopted without further change	25 November 2014
15/09/20	Reviewed for 2016. Draft prepared for September Council meeting. Changes relative to formation of Local Government NSW made. No substantial changes made. Draft endorsed to invite submissions.	22 September 2015
15/11/12	Adopted without change	24 November 2015

## 5 Reason

Councillor expenses and facilities policies are made under the Local Government Act 1993 ("the Act") and in accordance with sections 252 and 253 of the Act as well as clause 403 of the Local Government (General) Regulation 2005 ('the Regulation').

Under section 252(5) of the Act councillor expenses and facilities policies must comply with the provisions of the Act, the Regulation, guidelines provided by the Office of Local Government and other policies nominated in said guidelines.

Under section 440 each council must adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

## 6 Scope

This Policy applies to all councillors.

### Principles Guiding This Policy

The overriding principle of this policy is that the provisions made in regard to expenses and facilities for councillors are acceptable to, and meet the expectations of the local community.

The following are important elements of the principles that underpin this policy:-

### **Councillor conduct**

As required by section 439 of the Local Government Act 1993 (LGA) and reinforced in the Model Code of Conduct provisions, councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions;

Councillors are to be mindful of the provisions of the Anti-Discrimination Act 1977 which make it unlawful for any member or members of a council of a local government area when acting (whether alone or together) in the course of his, her or their official functions to discriminate against another member of the council on the grounds of race, sex, transgender, marital status, disability, responsibilities as a carer or homosexuality.

### **Equity, access and ability to participate**

This policy is to be applied in a non-discriminatory and equitable manner to enable full participation by councillors from varied walks of life, allowing representation of the community in different ways and accommodating individual differences;

Council values a diversity of representation. This expense and facility policy will be interpreted such that any under-represented groups within the community will not be discouraged from undertaking the civic duties of a councillor by reason of financial or other disadvantage;

Similarly this policy will be interpreted so that reasonable provision for the special needs of councillors is accommodated. This will include access to the appropriate parts of council premises and facilities and maximise participation in the civic duties and business of council. It will also include provision for sight or hearing impaired councillors, those with other disabilities and make reasonable transportation provisions for those unable or unwilling to drive a vehicle.

### **Accountability and transparency**

This policy details both the specific expenses for which councillors are entitled to receive reimbursement and the facilities they are entitled to access. Councillors may only receive these where they are so identified. This Policy document will be open to public scrutiny at all times;

Annual reporting requirements as defined in the LGA, associated Regulation and OLG Guidelines are included in this policy and will be followed;

### **Reasonable and relevant expenses**

This policy provides for the provision of reasonable and relevant expenses in relation to the role as a councillor and which are in proportion to the size and extent of affordability by the operations of Cabonne Council.

#### **Defined limits over expenses and facilities**

All expenses defined in this policy are associated with specific monetary limits where practicable and appropriate. Similarly standards for the provision of equipment and facilities provided to councillors are defined. No provision for a "General" expense or allowance is included in this policy.

Annual fees and expenses are a separate issue

The Local Government Remuneration Tribunal has adopted the principle that expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations. Accordingly this policy does not require councillors to pay for some of their expenses from their annual fee since it is recognised that this can have the effect of financially disadvantaging councillors.

#### **Expenses and allowances**

Only payment or reimbursement of actual expenses incurred by councillors in carrying out their civic duties is permitted under this policy.

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Payment will generally be way of reimbursement after the event. Consideration will be given to a request by a councillor for the provision of an advance payment for the cost of a service associated with a civic duty. Expenses typically paid in advance are specified. Payments in advance are subject to reconciliation within 60 days.

There are no circumstances in which legal expenses will be met by a council for proceedings initiated by a councillor. Nor will legal expenses be met for a councillor defending any action in a matter not rising directly as a result of his or her civic duty.

Councillors using private vehicles in carrying out their civic duties will be paid the mileage allowance at the then current rate set by the Local Government (State) Award;

### **Approval arrangements**

This policy defines approval arrangements, and requires more than one person as decision maker in order to prevent potential conflicts.

### **Private benefit**

Councillors will not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other such loyalty schemes. However, it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

Where more substantial private use has occurred, the Act provides that a payment may be made to cover the level of that private use. Council has established that this would be at the current rate set by the Local Government (State) Award in the case of kilometres using council vehicles incurred by councillors on Council duties and at an agreed rate for private use by the Mayor in the mayoral vehicle (as provided by section 252(2) of the Act);

## **7 Associated Legislation**

A policy for the payment of expenses and the provision of facilities for councillors is made under section 252 of the Local Government Act 1993 and in accordance with clause 403 of the Local Government (General) Regulation 2005.

Other policy provisions, which should be considered, include the OLG guidelines, Office of Local Government circulars to councils, the Model Code of Conduct for Local Councils in NSW and the Independent Commission against Corruption publication No Excuse for Misuse.

Details of relevant statutory requirements and other policy provisions are at Appendix 2 of the DLG guidelines (circular 07-22).

## **8 Definitions**

“DLG” – Division of Local Government - As of Monday 24th February 2014, the Division of Local Government, Department of Premier and Cabinet became the Office of Local Government.

“OLG” – Office of Local Government

“Act” – Local Government Act 1993

“Regulation” – Local Government (General) Regulation 2005

## **9 Responsibilities**

## 9.1 General Manager

Jointly with the Mayor, (or Deputy Mayor if the expense relates to the Mayor), approve expenses that are to be incurred prior to the opportunity to be reported to a Council meeting.

The General Manager and/or Director of Finance & Corporate Services is required to ensure the return of equipment and services when such return is required by the policy and the equipment or facility is not acquired by councillors.

## 9.2 Directors and Managers

The Director of Finance & Corporate Services and/or General Manager is required to ensure the return of equipment and services when such return is required by the policy and the equipment or facility is not acquired by departing councillors.

The Finance Manager is required to ensure accounting staff are provided with and process the Mayor's motor vehicle log books and mobile telephone account indicating private calls made.

The Finance Manager is responsible for providing an annual report to Council each September providing a break-up of expenses provided under the headings of Councillor or staff member, type and amount of expense, facility or other in-kind benefit, etc. for the previous financial year.

## 9.3 Staff

The General Manager's Personal Assistant is required to provide secretarial services for the Mayor and to determine availability of a vehicle for councillors when appropriate.

## 10 Related Documents

Document Name	Document Location
OLG Guidelines for payment of expenses and provision of facilities	OLG website
Model Code of Conduct	OLG website
OLG Circulars to councils	OLG website
ICAC publications – No Excuse for Misuse, preventing the misuse of council resources	ICAC website
Mobile Phone Policy	Council's Policy database
Councillors Approval Request Form To Attend Conference	Magiq
Motor Vehicle Management procedure – January 2015	Magiq

## Policy Statement

Wherever possible this Policy uses the suggested format by the OLG whilst complying with Council's standard Policy template.

### Part 1 - INTRODUCTION

#### Reporting requirements

##### Review

Councils are required to review and adopt their policy within the first 12 months of each term of Council.

##### Annual reporting requirements

Section 428 of the *Local Government Act 1993* requires councils to include in their annual report:

- the council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors
- the total amount of money expended during the year on providing those facilities and paying those expenses
- additional information as required by the Local Government (General) Regulation 2005.

##### Additional annual reporting requirements

Clause 217 of the Local Government (General) Regulation 2005 require councils to include additional information in their annual reports.

The additional reporting information required is for the purposes of transparency and accountability and should not be seen as a disincentive for the payment of appropriate expenses to councillors.

Councils are required to report separately on:

- the total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:

##### Provision of facilities

The cost of the provision of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and Internet installed in the councillors' homes (including line rental and internet access). This item does not include the costs of using this equipment, such as calls.

##### Expenses

- the cost of phone calls including mobiles, home located landlines, facsimile and internet services
- spouse/partner/accompanying person expenses (limited to circumstances outlined on page 14 of the DLG Guidelines)
- conference and seminar expenses
- training and skill development expenses

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- Interstate travel expenses (including subsistence and out-of-pocket expenses)
- overseas travel expenses (including subsistence and out-of-pocket expenses)
- care and other related expenses (of dependants to enable a councillor to undertake his or her civic functions).

### Reporting of exceptional equipment and facilities costs

In addition to the statutory reporting requirements, councils should report other costs where these are significant. For example, councils should 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.

### **Legislative provisions**

#### Expenses and facilities policies must not include a general expense clause.

Clause 403 (previously 42A) of the Local Government (General) Regulation 2005 provides that councils must not include in their section 252 policies any provision that enables council to pay a councillor an allowance in the nature of a general expense allowance.

Section 252 of the *Local Government Act 1993* only **authorises payment or reimbursement of actual expenses incurred by councillors in carrying out their civic duties**. It is not appropriate or lawful for councils to pay general allowances unrelated to actual expenses incurred or designed to supplement councillors' annual fees.

#### Monetary limits to expenses

It is the responsibility of individual councils to establish what they would consider a **reasonable level of provision** by determining their own monetary limits and/or rates for the payment of expenses and other benefits to their councillors. **These limits have been determined and are clearly stated in the policy.**

**Identifying and publishing monetary limits** allows members of the public to know the expected cost of providing services to councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where councillors incur costs that are unforeseen or considered unreasonable by other councillors and the public.

#### Standard of provision of equipment and facilities

The DLG guidelines do not specify a specific standard for the provision of equipment and facilities to councillors. As with expenses, it is the responsibility of councils to establish and define an appropriate and reasonable level of provision that would enable councillors to effectively carry out their civic duties. **Council has determined the level of equipment and facilities to be provided to the Mayor and councillors. These are detailed in the policy.**

#### Approval arrangements for claiming expenses and use of facilities

Approval of councillor expenses will be consistent with the stated guiding principle that no one person is the sole decision maker in giving approval.



## **Part 2 - PAYMENT OF EXPENSES**

### **General Provisions**

Whenever possible approval for discretionary trips and attendance at conferences and the like should be approved at a Council meeting. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of council meetings it should be given jointly by the Deputy Mayor and the General Manager.

Travel involving an overnight stay will require prior approval with full details of the travel. This should include itinerary, costs and reasons for the travel being provided;

Approval to meet expenses will only be given when the function is relevant to the council's interest. No approval will be given for any cost component that is additional, or not relevant to, the service cost of the function.

Should dispute(s) arise about the provision of expenses and facilities the matter is to be resolved by determination of the General Manager, in compliance with Council's Policy, in the first instance. Should the councillor consider the General Manager's determination to be incorrect then the matter shall be reported for determination by the Full Council at the next available Council meeting.

### **Payment of expenses generally**

#### a) Allowances, expenses and motor vehicle availability

In accordance with the LGA this policy does not permit:

- i. The payment to any councillor of an allowance in the nature of a general expense or allowance;
- ii. The exclusive or primary use of a motor vehicle by any councillor other than a Mayor (or Deputy Mayor under specific conditions).

#### b) Reimbursement and reconciliation of expenses

- i. Reimbursement of costs and expenses to councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms.
- ii. Expenses and costs incurred must be in accordance with the requirements of this policy.
- iii. The maximum time limit for councillors to seek reimbursement for their expenses is within 60 days from the date of the receipt, invoice or voucher.

#### c) Payment in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy. However, councillors must fully reconcile all expenses against the cost of the advance when they return within the above time limit.

Allowance type payments are not payable in any circumstances.

### Establishment of monetary limits and standards

Note: where individual limits are set for Councillors such limitations are a global amount and not a strict individual limit except where specified.

The following currently apply as monetary limits to expenses:

Expense	Mayor	Deputy Mayor	Councillors*
	Maximum Annual Expense Limits (\$)		
Agreed training	5,000	3,000	20,000
Mandatory Councillor Information session	400	400	4,000
Conferences & Seminars	5,000	3,000	20,000
Travel - Local and Out Of Area	N/A	4,000 - Council vehicle for attending out of area functions	40,000 - Council vehicle for attending out of area functions
Interstate Travel	2,000	1,500	10,000
Overseas Travel	Not Available	Not Available	Not Available
Motor Vehicle – provision	65,000 (net)	Not Available	Not Available
Motor Vehicle - operations	15,000 <sup>^</sup>	See Travel - Local and Out Of Area	See Travel - Local and Out Of Area
Mobile Phone	3,600	Not Available	Not Available
iPad with Internet Access plan	4GB	4GB	4GB per councillor
Stationery	200	100	1,000
Business Cards, Name tags, etc.	150	150	1,500
Corporate Uniform (50% contribution)	200 (max.)	200 (max.)	200 (max.) per councillor
Mayoral Office Refreshments	1,500	Not Available	Not Available

<sup>^</sup> - denotes fuel, maintenance, etc. but not depreciation

\* - Note: Global limit

## Spouse and partner expenses

There are limited instances where certain reasonable costs incurred by the councillor for their spouse, partner or accompanying person are properly reimbursable by Council:

- a. Where the costs relate to attendance at official council functions of a formal and ceremonial nature and occur within the local government area. Such functions would be those which a councillor's spouse, partner or 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 supported by the council;
- b. In relation to Local Government NSW annual conferences, costs limited to the cost of registration and the official conference dinner. Travel, any additional accommodation, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual councillors (Council will meet the equivalent cost of single accommodation for the councillor with any additional cost borne by the councillor);
- c. Where they occur outside the Cabonne local government area, but within the State, costs of representing the Mayor, at an official function of councillor or those of accompanying the Mayor whilst on an official ceremonial duty. Examples could include charitable functions, award ceremonies and other functions to which the Mayor has been invited and is representing the council.
- d. In the above circumstances, reimbursable costs are confined to the ticket, meal or direct cost of attending the function. Reimbursable costs do not extend to items such as special clothing, grooming or transport.

Apart from where defined above, other accompaniment costs outside the Cabonne local government area will not be reimbursed.

- Accommodation: equivalent of single accommodation cost for the councillor is to be met by Council with additional accommodation cost to be met by delegate/spouse. All additional costs are to be met by spouse/partner unless such is related to the official capacity of the delegates' partner (e.g. official conference dinner).

## Specific Expenses for Mayors and Councillors

### Attendance at seminars and conferences

Attendance at annual conferences of Local Government NSW will normally be undertaken by the Mayor.

Councillors may be **nominated** to attend conferences, seminars and similar functions relevant to Council's interests by:-

- ✧ the Council, through resolution duly taken.
- ✧ the Mayor, acting within his/her delegated authorities and subject to budget requirements.

Approval to attend must be resolved at a Council meeting or by both the Mayor and General Manager if attendance is required prior to the next Council meeting. If the proposed attendance is by the Mayor then approval by the Deputy Mayor and General Manager is required.

**Councillors will be required to provide a written report to Council on such conferences.**

Council will pay conference registration fees, including the costs of related official meals or activities where these are relevant to the business and interests of Council.

The reasonable costs of transport and accommodation associated with conference attendance will also be met as will meals when not included in conference fees. When overnight accommodation is necessary (the night before or after the conference) accommodation costs must be approved by Council.

Where attendance at other functions is relevant to Council's interest by reason of briefings, information or networking with key community members, business identities or politicians, approval may also be given by Council. Such approval will extend to the cost of the function and not to political donations.

No payment should be made by a council for attendance by a councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

Council staff should ascertain whether any expenses to be incurred would be directed towards such events and activities prior to approving expenditure.

An annual monetary limit applies as shown at **Establishment of monetary limits and standards**.

### **Training and Educational Expenses**

Each councillor will be encouraged to undertake at least one Professional Development Course every two (2) years.

Councillors will be forwarded information on available training courses and are eligible to attend and claim expenses subject to the annual monetary limits as shown at **Establishment of monetary limits and standards**.

### **Local travel arrangements and expenses**

Councillors are required to use private vehicles to attend Council and/or committee meetings and will be paid the kilometre allowance at the then current rate set by the appropriate Local Government (State) Award from time to time, but subject to the most direct route being taken.

Travel undertaken by a councillor in the capacity of Chair of a council committee or as a delegate of Council will also be reimbursed on a kilometre basis at the rate specified above.

When acting for the Mayor at Civic functions, and when Council's Administration Manager has been advised in writing by the Mayor, councillors will also be reimbursed on a kilometre basis at the rate specified above.

Council has previously determined, (Minute No. 94/3/27) that any official Council delegate is authorised to arrange for another councillor to represent Council at functions where the official delegate is unable to attend and believes that Council representation is required. In such instances, and when Council's Administration Manager has been advised in writing by the councillor who arranged an alternate, councillors will also be reimbursed on a kilometre basis at the rate specified above.

The driver is personally responsible for traffic or parking fines. An annual monetary limit applies as shown at **Establishment of monetary limits and standards**.

### **Travel outside the LGA including interstate travel**

All reasonable travel costs will be met by the Council subject to prior Council approval. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car.

Where a private vehicle is used, kilometre payments are not to exceed the economy air fare and should apply to the most direct route. The driver is personally responsible for traffic or parking fines.

Travel by motor vehicle may be undertaken in a Council vehicle (where available – contact Council's Administration Manager to determine availability) or by private vehicle, subject to prior approval from the Council or jointly by the Mayor and General Manager.

Costs of vehicle hire, taxi fares, public transport, road tolls or parking costs which are reasonably incurred while attending Council business will be reimbursed by the Council.

An annual monetary limit applies as shown at **Establishment of monetary limits and standards**.

### **Telephone costs and expenses**

The Mayor is required to reimburse Council for private calls made on the provided mobile phone.

An honesty system is in place using identification of all private telephone costs by the Mayor on the account statements. Account statements must be returned by the period stated in the Mobile Phone policy.

An annual monetary limit applies as shown at **Establishment of monetary limits and standards**.

### **Internet Access expenses**

Council will provide the Mayor and councillors a 4GB data plan for use through their iPads to allow access to Internet services utilised by councillors for official council business purposes including research, etc.

Council's Code of Conduct requirement that:

*“You must not use council’s computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.”*

is relevant and repeated herewith for convenience.

An annual monetary limit applies as shown at **Establishment of monetary limits and standards.**

### **Care and other access related expenses**

Council will meet reasonable costs of facilitating access to council premises, functions and activities where, by reason of disability, caregiver role or other special need, a councillor would not otherwise have equity of access with other councillors. Such support will allow the fullest participation reasonably possible.

If required an annual monetary limit would apply and once determined will be shown at **Establishment of monetary limits and standards.**

### **Insurance Expenses and Obligations**

Council provides insurance cover for:

- Public liability for liabilities that might arise from performance of civic duties and/or exercise of council functions – Public Liability Insurance
- Professional indemnity for liabilities that might arise from performance of civic duties and/or exercise of council functions - Professional Indemnity Insurance
- The internal running of Council and duties to shareholders. Examples of internal running are things like harassment and unfair dismissal. An example of duties to shareholders is something that puts the financial viability of Council on the line - Councillors and Officers Liability Insurance
- Personal Injury whilst on council business – Personal Accident Insurance
- Travel insurance for approved flights – Personal Accident Insurance

All insurances are subject to any limitations and conditions set out in Council's policy of insurance.

### **Legal Expenses and Obligations**

Council will only be prepared to consider reimbursement of legal expenses of councillors in accordance with the guidelines from the Office of Local Government, these being:

1. That a Council may only disburse money if the disbursement is authorised by the Local Government Act, 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.
2. In the particular circumstances outlined below, council may therefore 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 Local Government Act (s71), or
  - (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, or
  - (c) A councillor for proceedings before the Local Government Pecuniary Interest 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 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 which a councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of as proposed rezoning for private gain. This latter type of expense is not reimbursable as part of this policy.
  4. Council may lawfully obtain insurance cover against the risk of having to meet the costs of or to reimburse a councillor provided that the costs or reimbursements are ones which the council is authorised to meet.
  5. Council may not meet the costs of an action in defamation taken by a councillor as plaintiff in any circumstances.
  6. Where doubt arises in relation to any of these points, Council shall seek legal advice.
  7. Council will not provide legal assistance in respect of legal proceedings initiated by the Mayor and/or councillors in any circumstances.

### **ADDITIONAL MAYORAL EXPENSES**

In addition to those facilities provided to the councillors the Mayor is to receive the benefit of:-

- Motor Vehicle - (a Toyota Prado or similar, to the value allowed by this policy). The vehicle is to be used at the discretion of the Mayor for official Mayoral, Councillor or Council purposes. The Mayor is to pay an amount as determined by Council and included in Council's Fees & Charges for the use of this vehicle and he/she is to provide fuel for private usage.

The following conditions apply:-

- a) The Mayor must authorise Council to deduct private usage payments of the agreed amount per month from the Mayoral allowance for the use of the Mayoral Vehicle;

- b) The Mayor's Council motor vehicle must be made available for use by the Deputy Mayor during those periods when, in accordance with the policy of the Council during the absence of the Mayor, the Deputy Mayor is entitled to be paid a proportionate amount of the Mayoral Allowance;

At present this absence is defined as absent from the Council area by the Mayor for a minimum of three (3) weeks.

- c) That the Mayor or in such absence the Deputy Mayor provide petrol for such private use;
- d) The Mayor, or Deputy Mayor in the Mayor's absence, is also required to keep log books relating to the vehicle, to be submitted monthly to Council accounting staff.
- Mobile phone and car kit for official purposes. The Mayor is responsible for reimbursement of private calls made on this mobile phone, by way of certification and submission of monthly accounts by the Mayor to Council accounting staff. Telephone accounts indicating private use must be returned by the set period in the Mobile Phone Policy.
  - Secretarial Services - word processing and administrative support provided by the General Manager's Personal Assistant.
  - Administrative Support - assistance with functions, organisations, meetings, and the like for official purposes.
  - Mayoral Office Refreshments - at the discretion of the Mayor for Official purposes.
  - Credit Card facility with a limit of \$5,000.

Annual monetary limits apply and are shown at **Establishment of monetary limits and standards**.



## Part 3 - PROVISION OF FACILITIES

### GENERAL PROVISIONS

#### Provision of facilities generally

The following facilities are currently available to the Mayor and councillors as indicated:

Facility	Mayor	Deputy Mayor	Councillors
	Facilities available / Not available for Council Business Use		
iPad and wireless connection costs	Available	Available	Available
Fax Machine*	Available	Available	Available
Mobile Phone *	Available	Not available	Not available
Motor Vehicle Use	Designated Vehicle	When acting as Mayor or subject to policy and availability	Subject to policy and availability
Furnished Mayoral room	Available	Available by arrangement with Mayor	Available by arrangement with Mayor
Secretarial & administrative support	Available	Not available	Not available
Photocopier Official purposes only at Molong and Cudal Council offices	Available	Available	Available
Stationery & office supplies	Available	Available	Available
Business cards	Available	Available	Available
Credit card	Available	Not Available	Not Available
Consumables e.g. toner	Available	Available	Available
Corporate clothing	Available	Available	Available
Safety equipment (e.g. Safety vests on Traffic committee inspections)	Available	Available	Available
Meals / refreshments related to council, committee and work group meetings and office functions.	Available	Available	Available
Ceremonial garb	Available	Not Available	Not Available
Use of council chamber	When free for use	When free for use	When free for use

\* - Equipment remains the property of Council. On completion of Term, councillors may request to purchase equipment at written down value or at an agreed fair market price.



### **Private use of equipment and facilities**

Council facilities, equipment and services are not for private use. "Private use" includes the production of election material or material for other political purpose.

### **Acquisition and returning of facilities and equipment by Councillors**

Equipment is to be returned promptly to the General Manager or Director of Finance & Corporate Services in the following circumstances:

- a. Councillor is going on extended leave of absence;
- b. Councillor has completed term of office or ceasing civic duties and is not acquiring equipment.

In general the use of council facilities and equipment should be in accord with the OLG Model Code of Conduct for Local Councils in NSW – November 2015.