

Council Policy



Policy Title: Councillor Expenses and Facilities Policy
Policy Number: 1.07
Focus Area: Lead and advocate for our community
Responsibility: Governance
Meeting Adopted:

CONTENTS

Part	Description	Page No.
Part A	Introduction	3
1.	Introduction	3
2.	Objectives	3
3.	Principles	3
4.	Private or political benefit	4
Part B	Expenses	4
5.	General expenses	4
6.	Specific expenses	4
7.	Insurance	8
8.	Legal assistance	8
Part C	Facilities	9
9.	General facilities for Councillors	9
10.	Additional facilities for Councillors	10
11.	Superannuation	10
Part D	Processes	10
12.	Approval, payment and reimbursement arrangements	10
13.	Disputes	12
14.	Return or retention of facilities	12
15.	Publication	12
16.	Reporting	12
17.	Breaches	12
Part E	Appendices	13
Appendix I	Definitions	13
Appendix II	Related legislation, guidelines and policies	14
Appendix III	Legislative provisions	14
Appendix IV	Reporting requirements	16
Review	Review record	17

POLICY OVERVIEW

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 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 summarized in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$3,000 per councillor \$6,000 for the Mayor	Per year
Overseas travel expenses	To be approved by Council	Per year
Accommodation and meals	As per the Australian Taxation Office tax determination <i>TD2024/003, table 2</i>	Per meal/night
Professional development	\$6,000 per councillor	Per year
Conferences and seminars		Per year
ICT expenses	\$100 per councillor, excluding hardware provided by Council	Per month
Carer expenses	Up to \$3,500 per councillor	Per year
Home office expenses	\$300 per councillor	Per year
Christmas or festive cards	\$100 for the mayor	Per year
Access to facilities in a Councillor common room [where applicable Clause 9.2]	Provided to all councillors	Not relevant
Council vehicle and fuel card [where applicable Clause 10]	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	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 9.4]	Provided to the mayor and councillors	Not relevant

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

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time may not 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 Richmond Valley 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. Objectives

- 2.1 The objectives of this policy are to:
 - Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
 - Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
 - Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;
 - Ensure facilities and expenses provided to Councillors meet community expectations;
 - Support a diversity of representation; and
 - Fulfil the Council's statutory responsibilities.

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 a Councillor.
 - 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 Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2 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.
- 4.3 Such incidental private use does not require a compensatory payment back to Council.
- 4.4 Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5 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:
 - production of election material
 - use of Council resources and equipment for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit; and
 - fundraising activities of political parties or individuals, including political fundraising events.

PART B - EXPENSES

5. General expenses

- 5.1 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.
- 5.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2 Each Councillor may be reimbursed up to a total of \$3,000 per year, and the Mayor may be reimbursed up to a total of \$6,000 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 public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls; and

- for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4 Councillors seeking to be reimbursed for use of a private vehicle must keep records of the date, distance and purpose of travel being claimed. Copies of the relevant record must be provided with the claim.

Overseas travel expenses

- 6.5 In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid overseas trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.6 Overseas travel expenses for all Councillors must be approved by resolution at a Council Meeting.
- 6.7 When seeking approval for overseas travel, an application for approval to Council should include:
- 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;
 - who is to take part in the travel;
 - duration and itinerary of travel; and
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.8 For interstate and long-distance intrastate journeys, the class of air travel is to be economy class or as determined by the General Manager.
- 6.9 For international travel, the class of air travel is to be economy class or as determined by the General Manager.
- 6.10 Bookings for approved air travel are to be made through the General Manager's office.
- 6.11 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.
- 6.12 A Councillor who travels in a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award or airfare, whichever is the lower.

Travel expenses not paid by Council

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

Accommodation and meals

- 6.14 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.

- 6.15 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Richmond Valley area. Accommodation is to be at a standard of up to four-star rating.
- 6.16 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.
- 6.17 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.16.

Refreshments for Council related meetings

- 6.18 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.
- 6.19 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

- 6.20 Council will set aside \$42,000 annually for professional development, conferences and seminars in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to professional development is distributed equitably, and in accordance with Councillors' professional development plans.
- 6.21 In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers 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.
- 6.22 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.
- 6.23 Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- details of the proposed professional development;
 - relevance to Council priorities and business; and
 - relevance to the exercise of the Councillor's civic duties.
- 6.24 In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.25, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.25 Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.

- 6.26 In accordance with clause 6.20, Council will set aside \$42,000 annually in its budget to facilitate Councillor attendance at conferences and seminars and professional development. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably, and in accordance with Councilors' professional development plans.
- 6.27 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:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties; and
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.28 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council 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 Clauses 6.14 – 6.17.

Information and communications technology (ICT) expenses

- 6.29 Council will provide Councillors with appropriate electronic equipment for communication services. This may include mobile phones, tablets and associated data. All equipment is to be utilised within the guidelines outlined in relevant Council policies and procedures.
- 6.30 Council will reimburse costs for mobile telephone calls equal to fifty percent (50%) of the total cost of the mobile telephone account claimed up to a maximum of \$100.00 per quarter.

Special requirement and carer expenses

- 6.31 Council 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.
- 6.32 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.
- 6.33 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 \$3,500 per annum when provided by a registered provider if a Councillor is required to arrange such while on reasonable Council business.
- 6.34 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.35 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.

Home office

6.36 Council will provide a filing cabinet up to a four-drawer capacity while Councillors are in office.

Accompanying persons

6.37 Council will meet the costs of a Councillor's accompanying person in the following circumstances:

- Cost of registration and official conference dinner at the Local Government NSW Annual Conference. Cost of accommodation and travel are to be met by the Councillor.
- Payment of expenses at official Council functions that are of a formal or ceremonial nature within the Council's area, for example, Australia Day Awards and Civic Receptions.
- Payment of expenses for the accompanying person of a Mayor (or Councillor when they are representing the Mayor), when they are called upon to attend an official function of Council or carry out an official duty while accompanying the Mayor outside Council's area, but within the State. This is to be restricted to direct costs associated with the function.

7 Insurance

7.1 In accordance with Section 382 of the *Local Government Act*, Council is required to make arrangements for adequate insurance against public liability and professional liability, with Councillors to receive the benefit of insurance cover for:

- Public liability (for matters arising out of Councillor's performance of their civic duties and/or exercise of their council functions);
- Professional indemnity (for matters arising out of Councillor's performance of their civic duties and/or exercise of their council functions); and
- Personal injury while on council business (this cover does not include workers' compensation payments or arrangements).

7.2 All insurances are subject to any limitations or conditions set out in the policies of insurance.

7.3 Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

7.4 Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

8 Legal assistance

8.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the *Local Government Act* provided that the outcome of the legal proceedings is favourable to the Councillor;
- 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;
- 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.

- 8.2 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.
- 8.3 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.
- 8.4 Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances;
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
 - for any costs incurred by Senior Counsel; or
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

PART C - FACILITIES

9 General facilities for Councillors

Facilities

- 9.1 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- corporate clothing, which may be made up of business shirts, corporate tie or scarf and corporate style jacket;
 - personal protective equipment for use during site visits if deemed required by the General Manager;
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor;
 - business cards; and
 - access to telephone, email and photocopy facilities for Council business as required.
- 9.2 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through Council's Personal Assistant to the General Manager and Mayor.
- 9.3 The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Administrative support

- 9.4 Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff as arranged by the General Manager.
- 9.5 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

- 10.1 Private use of the Mayoral vehicle from the range of vehicles available to management and senior staff in accordance with Council's Motor Vehicle Lease agreement with a payment equivalent of 25% of the staff contribution, or as approved by the General Manager, together with the use of a fuel card.
- 10.2 A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
- 10.3 Council will provide the Mayor with a furnished office incorporating a computer, telephone and meeting space. Together with access to a telephone, email and photocopy facilities.
- 10.4 In performing his or her civic duties, the Mayor will be assisted by staff providing administrative and secretarial support, as determined by the General Manager.
- 10.5 Ceremonial clothing including Mayoral robes and/or chain of office will be provided.
- 10.6 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.

11 Superannuation

- 11.1 Under Section 254B *Local Government Act 1993*, a council may make a superannuation contribution payment as a contribution to a superannuation account nominated by a Councillor, starting from the financial year commencing 1 July 2022.
- 11.2 The amount of a superannuation contribution payment is the amount the Council would have been required to contribute under the Commonwealth superannuation legislation as if the Councillor were an employee of Council.
- 11.3 A superannuation contribution payment is payable with, and at the same intervals as the annual fee is payable to the Councillor.
- 11.4 A Council is only permitted to make a superannuation contribution payment if a resolution has been passed at an open meeting of Council.
- 11.5 Council resolved at its Ordinary Meeting held 17 May 2022, to commence payment of superannuation equivalent in amount to superannuation guarantee payments, from 1 July 2022. This was resolved under Resolution 170522/5.

PART D - PROCESSES

12 Approval, payment and reimbursement arrangements

- 12.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 12.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

- 12.3 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
- 12.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 12.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager 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

- 12.6 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 General Manager.

Advance payment

- 12.7 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 12.8 The maximum value of a cash advance is \$150 per day for a conference, seminar or professional development.
- 12.9 Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 12.10 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; and
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 12.11 If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 12.12 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

- 12.13 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.
- 12.14 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

- 12.15 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 may not be approved.

13 Disputes

- 13.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 13.2 If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

14 Return or retention of facilities

- 14.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 14.2 Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 14.3 The prices for all equipment purchased by Councillors under Clause 14.2 will be recorded in Council's Annual Report.

15 Publication

- 15.1 This policy will be published on Council's website following adoption by Council meeting resolution.

16 Reporting

- 16.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

17 Breaches

- 17.1 Suspected breaches of this policy are to be reported to the General Manager.
- 17.2 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: Definitions

The following definitions apply throughout this policy.

<i>Term</i>	<i>Definition</i>
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 provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993 (NSW)</i>
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
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
official business	<p>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:</p> <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 Local Government (General) Regulation 2021 (NSW)
year	Means the financial year, that is the 12-month period commencing on 1 July each year

Appendix II: Related legislation, guidelines and policies

- Code of Conduct (adopted by Richmond Valley Council)
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (2009)
- *Local Government Act 1993*, sections 252, 253 and 254
- Local Government (General) Regulation 2021, clauses 217 and 403
- Office of Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities (2009)
- Office of Local Government Circular 17-17 Councillor Expenses and Facilities Policy – Better Practice Template (2017).

Appendix III: Legislative provisions

Local Government Act 1993

Section 252 Payment of expenses and provision of facilities

- (1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

Section 253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (5) A council must comply with this section when proposing to adopt a policy in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy.

Section 254

Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

Section 382

Insurance against liability

(1) A council must make arrangements for its adequate insurance against public liability and professional liability.

(2) The regulations may make provision with respect to—

- arrangements for insurance
- minimum amounts of insurance
- risk management
- claims management
- the keeping of records concerning insurance
- other matters concerning insurance.

Appendix IV: Reporting requirements

Local Government (General) Regulation 2021

Clause 217 Additional information for inclusion in annual report

- (1) For the purposes of section 428(4)(b) of the Act, an annual report of a council is to include the following information—
- (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following—
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
 - (iii) the attendance of councillors at conferences and seminars,
 - (iiia) the provision of induction training for councillors, supplementary induction training for mayors and professional development programs for mayors and other councillors,
 - (iv) other training of mayors and councillors and the provision of skill development for mayors and councillors,
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Secretary from time to time,
 - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

Clause 403 Payment of expenses and provision of facilities

- (1) A policy under section 252 of the Act must not include any provision enabling a council—
- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
 - (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.
- (2) A policy under the Act, section 252 must provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version	Date	Reason / Comments
1	15 November 2016	Payment of Expenses and Provision of Facilities to Councillors Policy adopted by Council under Resolution Number 151116/8
2	20 September 2022	Policy renamed to Councillor Expenses and Facilities Policy. The policy has been amended in line with the Office of Local Government suggested template.
3		<p>Review of Policy with amendments incorporating expenses table and identified expenses in line with the <i>Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW October 2009</i>.</p> <p>Minor amendments in numbering and structure to ensure efficient readability of updated incorporations.</p>