



9. GOVERNANCE

Policy 9.5

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO
COUNCILLORS

Version 6

9. GOVERNANCE

9.5 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

OBJECTIVE

To comply with the provisions of Section 252 of the Local Government Act, 1993 and adopt policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.

POLICY

Through their role councillors are entitled to be provided with the necessary resources and facilities including the reimbursement of expenses in order to enable them to fully perform the role of a Councillor.

Council's services, as detailed in this Policy, are available to Councillors while carrying out the functions of civic office. These services, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.

Councillors are encouraged to pool or share facilities where possible in order to make the best use of Council's resources. Councillors are also encouraged to limit their use of the expenses and resources provided for in this Policy to the minimum required whilst still allowing them to effectively and efficiently discharge the functions of their civic office.

Expense limits apply to several categories of expenditure. If an expense limit applies it will be shown against that item. Councillors who exceed an annual limit will be required to reimburse Council. Please note that all expense limits are exclusive of GST.

Facilities supplied to Councillors are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

This Policy is to be read in conjunction with the Council's Code of Conduct.

PART 1 – PAYMENT OF EXPENSES

1.0 Responsibility and Accountability

- 1.1 Councillors are responsible for providing original receipts to support claims for reimbursement of expenses and to complete any documentation in support of a claim for reimbursement. Only those expenses explicitly covered in this Policy will be reimbursed.
- 1.2 Requests for reimbursement must be received within two months of the cost being incurred. Receipts received outside of this time limit may be accepted in exceptional circumstances, subject to the approval of the Mayor and General Manager.
- 1.3 Any advance payment made for the cost of a service associated with a civic duty must be reconciled within two months of receiving such payment.
- 1.4 The Councillors' Expenses Policy must be submitted to the Division of Local Government by 30 November each year or at a time specified by the Division.

- 1.5 The Councillors' Expenses Policy is to be available on the Council's website.
- 1.6 The Finance Manager is responsible for providing a statement of the total amount expended on the provision of these facilities and resources in the Annual Report. This is a requirement of Section 428 of the Local Government Act 1993.

2. Travel (Outside the Lithgow City Council LGA)

- 2.1 Councillors will be entitled to travel to State Government sponsored ad hoc committees and official engagements and functions, where the Councillor has been authorised by the Council by way of a resolution or is deputising for the Mayor or Deputy Mayor.
- 2.2 Where prior notice is given, Councillors will be provided with a motor vehicle when required to attend conferences, seminars, meetings and official engagements and functions.
- 2.3 The Councillor in charge of the vehicle at the time of any infringement notice shall be responsible for all traffic and parking fines incurred.

3. Overseas Travel

- 3.1 Councillors may only undertake overseas travel where the Council has specifically authorised a councillor's itinerary and specifically authorised reimbursement by way of a Council resolution made prior to the trip being taken. The resolution must specifically:
 - name any Councillor(s) authorised to undertake overseas travel;
 - indicate the reason the travel has been deemed to be necessary; and
 - include a determination of any reimbursement of expenses.
- 3.2 Councillor/s must have successfully supplied to Council (in an open session of a council meeting) details via a written report that illustrates the nexus of their overseas trip with the policies and/or objectives of the Council and the report must illustrate the community benefit that will arise from the trip.
- 3.3 The lack of a resolution to reimburse expenses that specifically names the Councillor(s) will preclude the approval of the reimbursement of any travel expenses.
- 3.4 Reimbursements will be on items submitted as receipts or tax invoices only where proof of payment is provided and the appropriate claim form is completed.
- 3.5 Advance payments for any expenses expected to be incurred will not be provided.
- 3.6 Spouses, partners or accompanying persons shall NOT be entitled to any reimbursement of travelling expenses.
- 3.7 Reimbursement will be made available provided that travel is undertaken expediently, and by the shortest practicable route, and reimbursement is subject to a formal claim being lodged not later than two (2) months after the expense was incurred.

4. Travel (Inside the Lithgow City Council LGA)

4.1 Councillors will be reimbursed travel expenses in accordance with the Australian Taxation Office approved rates for use of private motor vehicles to attend the following:

- Council meetings;
- Council Committee meetings;
- Working Group meetings to which the Councillor is the nominated delegate;
- Section 355 Committee meetings;
- External Organisations/Committee Meeting, to which the Councillor is the nominated Delegate, except where fees are paid to the Councillor by the external organisation;
- Workshops convened by Council;
- Public Meetings convened by Council;
- Training programs relating to the role of the Council;
- Inspections within the area of the Council, undertaken according to a resolution of Council or arranged by Council;
- A formal function or meeting where a formal invitation to attend arises only as a result of their position as a Councillor.

4.2 Reimbursement will be made available provided that travel is undertaken expediently, and by the shortest practicable route, and reimbursement is subject to a formal claim being lodged not later than two (2) months after the expense was incurred.

4.3 Council shall not reimburse travelling expenses for distances of less than 10km.

4.4 Advance payments for any expenses expected to be incurred will not be provided.

4.5 Spouses, partners or accompanying persons shall not be entitled to any reimbursement of travelling expenses.

5. Travel Expenses

5.1 All travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport.

5.2 **Use of Private Car** - Where a Councillor uses their private vehicle, including car share and vehicle rental, to attend an approved conference or seminar outside the Lithgow Local Government Area. The rate as prescribed by the NSW Local Government Award shall be applied.

5.3 **Train Travel** - Train travel may be first class, including sleeping berths where necessary.

5.4 **Transfers** – Taxis, coaches and other transfer transport expenses, including at the destination point, may be reimbursed for approved travel.

- 5.5 **Accommodation** - Council will pay reasonable accommodation including night before and/or after conferences, meetings, or seminars where it is impractical to travel. Accommodation selected shall be approved by the Mayor and General Manager.
- 5.6 **Sustenance** - Council will be responsible for the reasonable cost of meals where they are not otherwise provided e.g. at conferences.

6. Official Engagements and Functions

Council will be responsible for the expenses of Councillors to attend meetings, official engagements and functions where the Councillor has been authorised by the Council; the Mayor and the General Manager; or is deputising for the Mayor within the LGA. Expenses relating to a Councillor's partner will be the responsibility of the Councillor.

7. Annual Councillor Professional Development Discretionary Vote

- 7.1 All Councillors will be allocated the sum of \$2,000 annually, (subject to review by Council annually in conjunction with the Management Plan) to specifically provide for the professional development of Councillors.
- 7.2 Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.
- 7.3 The amount in the vote shall be reviewed annually as part of the creation of the budget and management plan. Council will purchase the tickets to the annual Lithgow Business Association Awards (if held) for Councillors and partners wishing to attend and payment shall be from this vote.

8. Expenses Associated with Councillors Attending, At Their Discretion, Conferences, (including the Annual Local Government Association or Shires Conferences) Seminars, Councillor Professional Development and Training Programs, Elected Member Courses and Local Government and Shires Associations Industry Working Groups.

Councillors will be responsible for payment of expenses, from their annual Professional Development Discretionary Vote, which is identified in the annual Management Plan (see next point), incurred for attending and participation in the following:

- conferences (including the Annual LGA or Shires Conference) and seminars;
- Councillor professional development and training programs;
- elected member courses;
- Local Government and Shires Associations Industry Working Groups.

9. Legal and insurance expenses and obligations

- 9.1 Councillors are covered under the following Council insurance policies on a 24 hour basis while discharging the duties of civic office, including attendance at meetings of external bodies as Council's representative:

- (a) Public Liability Insurance;

- (b) Professional Indemnity Insurance;
 - (c) Councillors and Officers Liability Insurance;
 - (d) Personal Accident Insurance, (accompanying partners are also covered); and
- 9.2 Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers.
- 9.3 Where Council's insurance policies do not cover a Councillor's legal expenses in relation to a matter arising directly as a result of the Councillor's actions in the civic office, Council will determine, by resolution, if the Councillor is to be reimbursed for reasonable solicitor/client costs as long as they relate to:
- Where legal action has been brought against the councillor;
 - Conduct arising from the execution of a councillor's civic duties;
 - The matter is finalised;
 - Council authorises by specific resolution naming the Councillor and determining the amount to be reimbursed; and
 - The finding is not substantially unfavourable to the Councillor

PART 2 FACILITIES

10. Stationery

Council will provide, upon request, the following stationery to Councillors to be used only on Council business:

- Writing pads
- Letter Head stating "From the Desk of Councillor...."
- Envelopes
- Box Files
- Business cards
- Writing pens
- Diary
- Year Planner
- Educational and promotional material and gifts.

11. Postage

Council will provide Councillors with postage facilities where the communication being posted is in discharge of the Councillor's functions of civic office.

12. Communication

12.1 Councillors are to be reimbursed for Council related calls that are charged to their personal telephone accounts relating to their place of residency. Councillors are to submit a claim within three months following the payment of such accounts. An annual allocation of \$100 per Councillor per financial year is available.

12.2 Councillors will each be provided with iPads with a download limit of 2Gb each per month. iPads will be loaded with a range of information to assist councillors in their roles including:

- Lithgow City Council Code of Conduct.
- Copies of current consultancy reports and studies.
- Lithgow City Council Code of Meeting Practice.

Links will be provided to allow councillors to search the world wide web (www.) for relevant legislation.

13. Secretarial Services

Council will provide a secretarial service to all Councillors to facilitate the discharge of functions of civic office. Such assistance shall be subject to staff availability and prior arrangement with the General Manager.

14. Training

Council will conduct training programs for Councillors as is appropriate for the effective discharge of functions of civic office. Such training programs will be conducted by Council's own staff and external service providers will be engaged when and where required.

15. Resource Centre and Office Accommodation

15.1 The Mayor's and/or Committee Room will be available to Councillors as a Resource Centre and to meet with residents and use telephone facilities where multiple calls may be necessary in the discharge of Councillors' functions of civic office.

15.2 Access to the Resource Centre will be available, subject to prior booking, during normal office hours and special arrangements may be made for access outside normal office hours.

16. Additional Expenses and Facilities for the Mayor

16.1 The Mayor will be provided with a motor vehicle to discharge the functions of civic office and the performance of Council business. The vehicle will be made available to the Mayor for full private usage subject to the payment set by Council annually.

16.2 Council will provide the Mayor with a mobile phone or similar device for use directly associated with the role as Mayor of Lithgow City Council.

16.3 The Mayor will be provided with a corporate credit card with a limit of \$4,000.

The monthly statement is to be reconciled and provided, with corresponding receipts, to the General Manager for approval.

The card may be used for expenses such as travel, accommodation, sustenance, conferences etc in accordance with this policy.

17. Expenses and Facilities for Councillors with Disabilities

For any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties.

18. Carer Expenses

18.1 Council shall reimburse a councillor for carers fees where the Councillor is the primary care giver.

18.2 A carer is a person who cares for a dependent child or another immediate family member, such as a family member with a disability. Immediate family members include the carer's current or former spouse or domestic partner. Immediate family also includes a child, parent, grandparent or sibling of either the carer or the carer's spouse or domestic partner. Aboriginal or Torres Strait Islanders who care for a family member related according to Aboriginal or Torres Strait Islander kinship rules are protected as carers.

18.3 Expenses for alternative carer arrangements, including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, are payable when a Councillor attends:

- (a) Council meetings, committee meetings, sub-committee meetings, inspections, formal briefing sessions and civic or ceremonial functions convened by the Mayor or Council;
- (b) meetings scheduled by Council or the Mayor;
- (c) meetings necessary for the Councillor to exercise a delegation given by Council or meetings arising from their official role as chairperson of a standing committee;
- (d) meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
- (e) a meeting, function or other official role as a representative of the Mayor or Council; and
- (f) functions where the payment of carer expenses has been approved by the General Manager.

18.4 Carer expenses may consist of:

- (a) occasional child care centre fees;
- (b) hourly fees;
- (c) agency booking fees (if claimed); and

(d) reasonable travelling expenses (if claimed by the carer).

18.5 Fees are payable per hour (or part of an hour) subject to any minimum period which is part of the care provider's usual terms, to a maximum hourly rate approved by the General Manager.

18.6 Travelling expenses cover the transport costs of the carer to and from the Councillor's residence or of the person to be cared for to and from the place of care.

18.7 Claims must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion, or alternatively the submission of a Statutory Declaration with these details (Appendix 2).

18.8 An annual limit of \$2,000 per Councillor will apply to Carer Expenses.

Maintained by Department:	Executive	Approved by:	Council	Exhibition	
Reference:	Dataworks: Policy Register	Council Policy No:	9.5	Effective Date:	November 2012
Min No:	06-349 (exhibition) 07-54 008-165 (V3) 12-447(V5) V6 - 13-399 V6 - 14-454 V6 - 15-297	Version No:	6	Reviewed Date:	Sept 2013 Sept 2014 Nov 2015
Attachments:	Claim form				

COUNCILLOR EXPENSES CLAIM FORM

COUNCILLOR EXPENSE REIMBURSEMENT FORM

COUNCILLOR

To be completed for **ALL** Expense reimbursements- **RECEIPTS MUST BE ATTACHED**

I..... declare that the expense of \$.....
datedwas incurred by me for the following purpose (**specify details**)

ACCOMMODATION/MEALS

.....
.....

FUEL KLMS Traveled..... Engine Capacity () < 2.5 litres @ 64 c per km

KLMS Traveled..... Engine Capacity () > 2.5 litres @ 73 c per km

EDUCATIONAL

.....
.....

PHONE

.....

OTHER

.....
.....
.....

.....
COUNCILLOR SIGNATURE

.....
DATE

.....
**GENERAL MANAGER
APPROVAL**

Office Use
Only:

CREDITOR NO......

COST ACCOUNT NO......

Appendix 2

STATUTORY DECLARATION
Oaths Act 1900, NSW, NINTH Schedule

I..... of..... do hereby solemnly declare and affirm that the expenses of was/were incurred by me for the purpose of Carers Expenses as per Section 18 of the *Payment of Expenses and Provision of Facilities to Councillors* Policy.

Expense Description:

.....
.....
.....
.....
.....
.....

I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made - and subject to punishment by law provided for any wilfully false statement in any such declaration.

Declared at..... On.....
[place] [date]

.....
[Signature of declarant]

in the presence of an authorised witness, who states:

I, a.....
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [please cross out any text that does not apply]

1. *I saw the face of the person OR * I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. *I have known the person for at least 12 months OR *I have confirmed the person's identity using an identification document and the document relied on was.....
[describe identification document relied on]

.....
[signature of authorised witness]

.....
[date]