



1.6.19 – DRAFT COUNCILLOR EXPENSES AND FACILITIES POLICY

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Policy summary

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

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

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

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

The Mayoral and Councillor fees are determined by the Local Government Remuneration Tribunal. As such, Weddin Shire Council will apply the maximum amount determined by the Tribunal.

OPERATING EXPENDITURE	2025 BUDGET
Councillor Fees	\$120,798.00
Mayoral Fees	\$29,283.00
Councillor Training including conferences and seminars	\$15,000.00
Mayoral Training including conferences and seminars	\$6,000.00
Councillor Travel to meetings	\$5,000.00
Councillor Travelling, Sustenance, Delegates Expenses	\$15,000.00
Mayoral Travelling, Sustenance, Delegates Expenses	\$6,000.00
Insurance - Councillor & Officers Insurance	\$27,500.00
Food & Catering Costs	\$10,000.00
Total Operating Expenditure	\$232,081.00

Expense or facility	Maximum amount	Frequency
Council vehicle and fuel card [where applicable Clause 10]	Provided to the Mayor	If requested by the Mayor on taking up Office.

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

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

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors. The reporting periods being 1 July to 31 December and 1 January to 30 June each year.

Councillor and Mayoral fees are paid monthly in arrears without the need for a claim. Superannuation is paid additionally to Councillor and Mayoral fees for those Councillors who choose to do so.

Council approve to pay the Deputy Mayor the proportion of the Mayoral fee for such time as the Deputy Mayor acts in the office of the Mayor, which is to be deducted from the Mayor's annual fee, following a Council resolution at the time as per resolution 179/2022.

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 Weddin Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

2.1. 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
- 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.

3.2. Roles and Responsibilities

The following table outlines the roles and responsibilities of personnel. Noting that the position titles may change, however, the responsibilities remain the same.

Roles	Responsibility
The Elected Council	The Elected Council must act in accordance with this Policy and abide by any determination made as a result of this Policy.
General Manager	The General Manager is responsible for the overall control and implementation of the Policy.
Director of Corporate Services	The Director of Corporate Services is responsible for the reimbursement of Councillors for approved expenses and the management of the budget.
Executive Assistant	The Executive Assistant to the General Manager is responsible for the booking of relevant items in accordance with this policy.
General Public	The general public must act in accordance with this policy and abide by any determination made as a result of this policy.

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
 - 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. It is preferable for Councillors to utilise the Council pool vehicle wherever practicable, subject to availability. Councillors will be reimbursed for any direct out of pocket expenses in connection with the pool vehicle e.g. fuel.
- 6.3. Councillors need to insure 'private use of vehicle' is incorporated into their individual professional development plan and approved by the General Manager.
- 6.4. Each Councillor may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW/ACT. 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
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.5. Allowances for the use of a private vehicle will be reimbursed by the cents per kilometre method as set out in the Australian Tax Office (ATO) taxation determination for work related car expenses. The reimbursement rate can be found on the [ATO website](#); the rates are adjusted annually.
- 6.6. Councillors seeking to be reimbursed for use of a private vehicle must keep a logbook recording the date, distance and purpose of travel being claimed. Copies of the relevant logbook contents must be provided with the claim.
- 6.7. Official business includes:
 - a) Council meetings;
 - b) Council Committee meetings;
 - c) Meetings of which the Councillor is the nominated Delegate;

- d) Section 355 Committee meetings where Councillor is the nominated delegate;
- e) External Organisation/Committee meetings of which the Councillor is the nominated Delegate;
- f) Workshops convened by Council;
- g) Public meetings convened by Council;
- h) Training programs relating to the professional role of Councillors undertaken according to a resolution of Council;
- i) Inspections within the Weddin LGA, undertaken according to a resolution of Council; and
- j) Attendance at a function or meeting of which a formal invitation to attend arises only as a result of their position as a Councillor and undertaken according to a resolution of Council, provided:
 - I. travel within the Weddin LGA utilises the most direct route as well as the most practicable and economical mode of transport, subject to any personal medical considerations.
 - II. a formal claim for reimbursement is lodged no later than four weeks after the expense was incurred.
- k) Travel expenses will be paid to the Councillor from Weddin Shire Council boundary for the official business of Council.

Interstate, overseas and long-distance intrastate travel expenses

- 6.8. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
- 6.9. Councillors seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.10. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 6.11. The case 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
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.12. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.13. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.14. For international travel, the class of air travel is to be premium economy if available.

Otherwise, the class of travel is to be economy.

6.15. Bookings for approved air travel are to be made through the General Manager's office.

6.16. 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.

Travel expenses not paid by Council

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

Accommodation and meals

6.18. 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.

6.19. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Weddin Shire Council LGA.

6.20. 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. Rates can be viewed under the [Public Sector Awards](#) on the NSW Industrial Relations website.

6.21. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of those rates for within Australia Clause 6.19.

6.22. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

6.23. 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.

6.24. 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

6.25. Council will set aside \$15,000 annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.

6.26. 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.

- 6.27. 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.
- 6.28. 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
 - relevance to the exercise of the Councillor's civic duties.
- 6.29. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.30. Council is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.31. Council will set aside a total amount of \$15,000 (included in the overall training and development budget) annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.32. 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
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.33. 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 6.18-6.21.

Substitute Delegate

- 6.34. Attendance at conferences will be tabled at an Ordinary Meeting of Council to vote for a delegate to go. In many instances, conferences require a voting delegate which is delegated to the mayor or otherwise determined through a Council Resolution. In the absence of the mayor, the deputy mayor will attend in their place. However in the circumstances that both delegates cannot attend, a substitute delegate will be nominated by Council at the time it is deciding on Council's attendance to the conference. In the event that all three cannot go, the General Manager will send a request to the remaining Councillors to ask on their availability to attend.

The authority is hereby delegated to the mayor or deputy mayor and General Manager jointly to nominate and authorise a substitute Councillor to attend any conference in lieu of the mayor or a nominated and authorised Councillor. Such substitution is only to be made in the event that the nominated and authorised Councillor advises of their inability to attend the event.

Special requirement and carer expenses

- 6.35. 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.
- 6.36. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.37. 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.
- 6.38. 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 for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.39. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.40. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.
- 6.41. The value of the reimbursement will be the subsidised daily casual rate of the registered care provider.

Payment of Spouse and Partner Expenses

- 6.42. In recognition of the importance of a good work and family balance, spouses, partners or accompanying persons are welcome to join Councillors whilst attending events away from home. In such circumstances, Council will not require reimbursement of costs if no additional travel and accommodation expenses are incurred over and above what would have been expended by the individual Councillor. For example, if the person/s travel as a passenger in the Councillor's vehicle and are able to be accommodated in the same room already provided as standard to the Councillor, it will be considered that no additional cost has been incurred by Council. Where a spouse, partner or accompanying persons do attend an event away from home with the Councillor, all additional costs of the person/s will not be met by Council. This includes social outings and tours which may be provided as part of a "partners program".

7. Insurances

- 7.1. In accordance with Section 382 of the *Local Government Act 1993*, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 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, intrastate 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 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 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.
- 8.6. Councillors must submit a Legal Expenses Request Form, which can be found in the Councillor LG Hub Portal to formally request a resolution from Council (See Appendix IV).

Part C – Facilities

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- access to shared car parking spaces while attending council offices on official business
 - personal protective equipment for use during site visits
 - information and communications technology (ICT) equipment and facilities i.e. internet access, tablet or any device that Council may provide
 - 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.
- 9.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through a specified officer in the mayor's office or other specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards.

Administrative support

- 9.5. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the mayor's office or by a member of council's administrative staff as arranged by the General Manager or their delegate.
- 9.6. 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. Council will provide to the mayor a maintained vehicle (if requested) to a similar standard of other council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office.
- 10.2. The mayor must keep a logbook setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The logbook must be submitted to council on a monthly basis.
- 10.3. The mayoral allowance will be reduced to cover the cost of any private travel recorded in the logbook, calculated on a per kilometre method basis by the rate set by the Australian Tax Office (ATO) taxation determination for work related car expenses.
- 10.4. Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 10.5. In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.
- 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.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
- 11.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Director of Corporate Services for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.
- 11.6. Where a local government election occurs, Councillors will be paid their Councillor fees on a pro-rata basis.

Reimbursement

- 11.7. 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 Director of Corporate Services. If a receipt is lost or unavailable, a Statutory Declaration may be provided of proof of purchase up to the value of \$100 in line with Clause 4 of Council's Credit Card Policy.

Advance payment

- 11.8. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.9. The maximum value of a cash advance is \$50 per day of the conference, seminar or professional development.
- 11.10. Requests for advance payment must be submitted to the Director of Corporate Services for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.11. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

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

Reimbursement to council

- 11.14. If council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- council will invoice the Councillor for the expense
 - the Councillor will reimburse council for that expense within 14 days of the invoice date.
- 11.15. If the Councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager

may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

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

Deductions

- 11.17. Deductions from Councillor fees will only be made with the Councillors approval. Councillors will be provided with adequate remittance information to show any deductions that have been made for any government reporting requirements.

12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. 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.

13. Return or retention of facilities

- 13.1. 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.
- 13.2. 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.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

- 14.1. This policy will be published on council's website.
- 14.2. Forms associated with this Policy are available in LG Hub or can be requested through the General Manager's Executive Assistant.

15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a council meeting every six months at Council's first Ordinary Council Meeting in each ½ year and published in full on council's website. These reports will include expenditure summarised by individual Councillor and as a total for all

Councillors.

16. Auditing

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

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.

DRAFT

Title: Weddin Shire Council - Councillor Expenses and Facilities Policy		
Department: Corporate Services		
Version	Date	Author
1.6.19 DRAFT	28/11/2024	Administration
1.6.18	15/02/2024	Adopted 013/24
1.6.18 DRAFT	07/02/2024	Executive Assistant
1.6.17	15/09/2022	Director – Corporate Services
1.6.16	24/06/2021	
1.6.15	20/08/2021	
1.6.14	20/06/2019	
1.6.13	21/06/2018	
1.6.12	15/06/2017	
1.6.11	16/06/2016	
1.6.10	25/06/2015	
1.6.9	18/06/2014	
1.6.8	21/06/2013	
1.6.7	21/06/2012	
1.6.6	16/06/2011	
1.6.5	24/06/2010	
1.6.4	17/01/2010	
1.6.3	21/05/2009	
1.6.2	15/05/2008	
1.6.1	21/06/2007	
1.6.1	18/10/2001	
1.6.1	15/10/1993	
<p>This policy may be amended or revoked at any time and must be reviewed at least three (3) years since its adoption (or latest amendment). The General Manager will be responsible for the review of this policy. Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guideline.</p> <p>Review Date: August 2025</p>		
Amendments in the release		
Amendment History	Date	Detail
1.6.17 Adopted Resolution 301/22	17/11/2022	
<p>Annexure Attached: Appendix I – Related legislation, guidance and policies Appendix II – Definitions Appendix III – Councillor Expense Claim Form</p>		
<p>Noreen Vu General Manager</p>		

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- *Local Government Act 1993*, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 23-03 2023/24 Determination of the Local Government Remuneration Tribunal
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct

Useful links:

- NSW Government – Industrial Relations: [Public Sector Awards | NSW Industrial Relations](#)
- NSW Government – Remuneration Tribunal: [Local Government | NSW Remuneration Tribunals](#)
- NSW Government – Office of Local Government Circulars: [Circulars - Office of Local Government NSW](#)
- Australian Taxation Office: [Home | Australian Taxation Office \(ato.gov.au\)](#)
- ATO – Cents per kilometre method: [Cents per kilometre method | Australian Taxation Office \(ato.gov.au\)](#)

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
ACT	Australian Capital Territory
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in accordance with the Local Government Remuneration Tribunal, ATO, and Public Sector Award
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of council and committees of the whole • meetings of committees facilitated by council • meetings as Council's approved delegate (excluding Central Tablelands Water) • 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 III: Councillor Expense Claim Form

Weddin Shire Council Councillor's Claim for Expenses

Name of Claimant:		Month Expenses Relate To:	
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Date	Purpose of Meeting	Location of		Distance Travelled (km)	
		Departure	Destination		
				Total KM's:	
				ATO Private Vehicle Use Rate / Kilometre:	

B. SUBSISTENCE	
Accommodation:	
Meals:	
Fuel:	
Fares and Parking Fees:	
Other:	
Total Other Expenses:	

I hereby claim reimbursement of conveyance and subsistence expenses under section 252 and for payment of fees under section 248 of the Local Government Act, 1993, as shown above. I also hereby release the council from any liability whatsoever to pay and fees which I have not collected at this date (apart from this claim) and which would otherwise be payable to me, unless such fees are payable as a result of events I have attended within the last three months and in respect of which I have made an election as prescribed by Section 248.

Signature of Councillor Claiming

Date

Approved for Payment

Date

Appendix IV: Request for Legal Assistance Form

REQUEST FOR LEGAL ASSISTANCE FORM REFER TO COUNCILLOR EXPENSES AND FACILITIES POLICY

Name:	
Reason for Request for Legal Assistance* (please read below)	
Nature of request (please tick)	<input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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.
Estimated cost	

*Note that in accordance with the Council's Code of Conduct and Procedures, if the assistance requested relates to a Code of Conduct complaint, please do not specify information that breaches your confidentiality obligations. Only provide brief information that does not disclose or breach Council's Code of Conduct and Procedures.

DECLARATION

In accordance with Weddin Shire Council's Councillor Expenses and Facilities Policy, please refer to all of Section 8 of the Policy.

Section 8

Provision from Policy	Councillor Request
<p><u>CLAUSE 8.1</u></p> <ul style="list-style-type: none"> • 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. 	<p>Please confirm that you understand clause 8.1:</p> <p>Name: _____</p> <p>Signature: _____</p> <p>Date: _____</p>
<p><u>CLAUSE 8.2</u></p> <p>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.</p>	<p>Please confirm that you understand clause 8.2:</p> <p>Name: _____</p> <p>Signature: _____</p> <p>Date: _____</p>
<p><u>CLAUSE 8.3</u></p> <p>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</p>	<p>Please confirm that you understand clause 8.3:</p> <p>Name: _____</p> <p>Signature: _____</p> <p>Date: _____</p>

Provision from Policy	Councillor Request
<p>investigation as to whether a Councillor acted corruptly would not be covered by this section.</p>	
<p>CLAUSE 8.4 Council will not meet the legal costs:</p> <ul style="list-style-type: none"> • 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 legal proceedings that do not involve a Councillor performing their role as a Councillor 	<p>Please confirm that you understand clause 8.4:</p> <p>Name: _____</p> <p>Signature: _____</p> <p>Date: _____</p>
<p>CLAUSE 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.</p>	<p>Please confirm that you understand clause 8.5:</p> <p>Name: _____</p> <p>Signature: _____</p> <p>Date: _____</p>

CONFIRMATION BY COUNCILLOR

I _____ (name) acknowledge that I understand my obligations under Council's Councillor Expenses and Facilities Policy and Council's Code of Conduct and Procedures.

Signature: _____

Date: _____