



**DUBBO REGIONAL
COUNCIL**

Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors

January 2020

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DUBBO REGIONAL COUNCIL

POLICY

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS

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PART 1 – INTRODUCTION

1.1 Introduction

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 2005* (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.

1.2 Purpose of this Policy

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.

1.3 Legislative Provision and Guidance Documents

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 09-36 Guidelines for Payment of Expenses and Facilities

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

1.4 Relationship to Annual Fees

The payment of expenses and the facilities which may be provided to the Mayor and Councillors under this Policy shall be provided in addition to the annual fees payable to the Mayor and Councillors as determined by the Council under Sections 248 and 249 of the Act.

1.5 Code of Conduct

Council's Code of Conduct sets the minimum requirements of behaviour for Council officials. The Code of Conduct refers, in part, to the use of Council Resources as follows:

- You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- You must be scrupulous in your use of Council property including intellectual property, official services and facilities and must not permit their misuse by any other person or body.
- You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- You must not convert any property of the Council to your own use unless properly authorised.
- You must not use Council's computer resources to search for access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

These sections of the Code are relevant to this Policy in that they provide for an overarching standard of behaviour that the Mayor and Councillors would be expected to display when using Council's resources.

PART 2 – FACILITIES FOR MAYOR AND COUNCILLORS

2.1 Mayor

The Mayor, in carrying out the duties of office, be entitled to receive the following:

- 2.1.1 The use of Mayoral Robes and Chain of Office
- 2.1.2 Suitable office accommodation in the Dubbo Civic Administration Building including the provision of a computer and software packages that enable email and internet services.
- 2.1.3 A range of secretarial and support services including telephone and reception duties, typing, organisation of Civic Receptions including catering, preparation of speeches, press releases, meetings and correspondence and other reasonable requests by the Mayor.

This service is reviewed and renegotiated with the Mayor following each Mayoral election.

2.1.4 A motor vehicle for official (civic duties) and private use as follows:

The provision to the Mayor of a suitable and appropriate official vehicle, to the value of up to \$55,000 (ex GST), fully serviced and maintained, for both civic and private use, with such vehicle type to be at the discretion of the Mayor at the time of changeover, with changeover to occur at not less than 15,000km or 12 months, whichever occurs first noting that the vehicle shall be changed over immediately following each Mayoral election when there is a change of Mayor.

- the motor vehicle provided for use by the Mayor may be used by the Mayor for private purposes
- the annual fee payable to the Mayor will be reduced by the value of the private use benefit taken up
- the value of the private use benefit will be determined by applying the rate per kilometre published by Local Government NSW from time to time which is recommended for use by councils when costing motor vehicle benefits in remuneration packages to the number of private use kilometres travelled.
- the Mayor will keep a log of all private use kilometres travelled and submit such log at the end of each month

2.1.5 A mobile telephone for which all expenses are paid but which is to be used exclusively for Council and Civic duties.

2.1.6 Reasonable expenses for the Mayor and partner/accompanying person to attend on behalf of Council in the office of Mayor on official (including conferences) or legal occasions including travel, accommodation subsistence and the like. Attendance at local functions (excluding conferences as defined in Clause 3.1) by the Mayor and partner/accompanying person shall be paid by Council.

2.1.7 If the Mayor so chooses, a credit card facility and a transportation services charging facility to be used for expenses incurred in the pursuit of official Council business. The credit card facility is to be used in situations where it is not possible to go through Council's normal procedure for the ordering and/or payment of goods and services.

2.1.8 An allocated carparking space adjacent to the Dubbo Civic Administration Building and secure parking at the Dubbo City Regional Airport (where necessary).

2.1.9 Provision of appropriate Council branded clothing including, but not limited to, blazer, jacket, polo shirt or t-shirt as approved by the Chief Executive Officer.

2.2 Councillors

To assist the Councillors, including the Mayor, in discharging the function of Civic Office Councillors are, if they request, entitled to receive the following without reduction to the fees payable under Section 248 of the Act:

2.2.1 Secretarial service including typing, photocopying, printing and postage for the following purposes:

- a) Initiating correspondence to, and answering correspondence received from,

residents / ratepayers, Members of Parliament, Government Departments, statutory authorities / bodies, other local authorities, other Councillors, local government related bodies and organizations or the general public in relation to the business of the Council or local government subject to a response to petitions received by Councillors will only be made to the principal person who lodges the petition and not all signatories.

- b) Replying to invitations to attend functions/gatherings received in their capacity as a Councillor;
- c) Communications to Councillors and Council's staff on official business;
- d) Access to a customer service portal to report and manage and complaint/request received as a Councillor

provided that under no circumstances will the Council permit the facilities provided to be used for the initiation or issue of circular type letters or election material/letters.

2.2.2 Appropriate refreshments/meals will be available for Council meetings, Council Committee meetings, Councillor briefings and workshops, approved meetings and engagements, and official council functions as approved by the Chief Executive Officer.

As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

2.2.3 Suitable stationery supplies.

- Councillor business cards and name badges
- Postage - official Councillor correspondence - to be directed through the Council's own mail system.

2.2.4 Access to Information - Councillors can obtain copies of Council information, if the information is required to enable a Councillor to undertake their role as defined under Section 232 of the Local Government Act 1993.

When seeking information on policy issues and day to day matters, in the exercise of their statutory role as a member of the Council, Councillors are to direct their enquiries to the Chief Executive Officer, the relevant Director, or an officer nominated by the Director.

2.2.5 Preparation of media material for the Mayor in respect of Council activities and for the chairpersons of Council's Development and Environment; Infrastructure and Liveability; and Culture, Economy and Corporate Committees in respect of Committee issues.

2.2.6 Access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with discharging the duties of Civic Office.

2.2.7 The provision of an electronic tablet device, appropriate broadband communications and a suitable printer in the Dubbo Civic Administration Building.

2.2.8 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.

- 2.2.9 Provision of appropriate Council branded clothing including, but not limited to, blazer, jacket, polo shirt or t-shirt as approved by the Chief Executive Officer.
- 2.2.10 An appropriate space for Councillors be provided Monday to Friday 8am – 8pm to allow them to meet with ratepayers.

2.3 General Provisions

Additional to the facilities provided by Council to Councillors and the Mayor under this Policy, it is expected that further expenses may be incurred in the performance of Councillors' and the Mayor's civic duties. Accordingly, Council will provide reimbursement of approved expenses only incurred in the performance of a Councillors' or Mayor's role.

No allowances or expenses other than those expressly contained in this policy are payable to the Mayor or Councillors.

Councillors will not be reimbursed for alcoholic beverages.

2.4 Monetary Limits

Expenses under this policy, in most instances, will be reimbursed based on actual expenditure. However, monetary limits have been applied which set a maximum level of expenditure which Council will reimburse for each type of expense. These limits are listed below in the table.

The monetary limits contained within this policy have been set based on information available on reasonable market rates for the provision of the relevant services. Regional considerations have also been addressed with respect to accommodation costs.

These limits may be amended with any amendment to this policy and will be assessed for relevance and reasonableness on an annual basis in line with the annual policy review.

| Expense Type | Refund Basis | Limit Amount | Comment |
|------------------------|--------------------------|---|--|
| Registration costs | Actual | None | Includes costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council |
| Accommodation | Actual up to daily limit | As per Table 1 Rates and Allowances of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 | <p>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.</p> <p>Limits are dependent on the location of accommodation, providing for regional differences in costs.</p> <p>Where evidence is provided that accommodation within the above cost range cannot be provided or is not available then the Chief Executive Officer has the discretion to approve the increase in costs.</p> <p>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 Chief Executive Officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50km from the meeting location.</p> |
| Out of pocket expenses | Actual up to daily limit | \$100 per day | <p>Expenses in this category may include:</p> <ul style="list-style-type: none"> • Reasonable telephone, facsimile or internet usage • Reasonable refreshments • Meals not included in registration fees, etc <p>The following expenses will not be reimbursed and are the responsibility of the Mayor/Councillors:</p> <ul style="list-style-type: none"> • Any traffic or parking fines • Administrative charges for road toll accounts • Alcohol (not consumed as part of meal) • Cigarettes • Mini-bar items including snack foods |

| | | | |
|--|---------------------------|---------------|---|
| Cost of service provided | Actual | None | No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function |
| Enrolment fees | Actual | None | In most cases, Council will arrange and fund attendance of the Mayor and Councillors at training courses |
| Air Travel | Actual | None | In most cases, Council will arrange and fund the Mayor and Councillors' Air Travel when required |
| Rail Travel | Actual | None | In most cases, Council will only arrange and fund the Mayor and Councillors' rail travel when requested |
| Taxi | Actual | None | |
| Bus | Actual | None | |
| Incidental expenses associated with attendance at seminars, training courses or official functions | Actual up to daily limit | \$100 per day | Expenses in this category may include: <ul style="list-style-type: none"> • Parking fees • Tolls The following expenses will not be reimbursed and are the responsibility of the Mayor/Councillors: <ul style="list-style-type: none"> • Any traffic or parking fines • Administrative charges for road toll accounts • Alcohol (not consumed as part of meal) • Cigarettes • Mini-bar items including snack foods |
| Personal care or child care expenses: up to four (4) hours | Actual up to daily limit | \$100 per day | Council will reimburse costs to a maximum of \$100 to cover a four (4) hour engagement of a babysitter or carer where required to allow the Mayor or Councillors to attend any Council, Standing Committee, Meetings, Committee Meetings, Working Party or Council workshops. The four (4) hour period shall include the period of 30 minutes prior to and after the conclusion of the meeting or workshop |
| Personal care or child care: more than four (4) hours | Actual up to hourly limit | \$15 per hour | An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops etc that go beyond the four (4) hours engagement period referred to above |

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|-------------------------------------|---------------|--|---|
| <p>Use of private motor vehicle</p> | <p>Actual</p> | <p>Per km allowance as defined in the Local Government (State) Award 2017 for those km outside the Dubbo Regional Council local government area.</p> | <p>As defined in the Local Government (State) Award 2017 "Part 15(x) – Vehicle Allowances"</p> <p>Per km allowance as defined in the Local Government (State) Award 2017 for those kilometres outside the Dubbo Regional Council Local Government Area only.</p> <p>The following procedure is to be followed when claiming travel expenses when accepting invitations:</p> <ol style="list-style-type: none"> 1. Invitations are not to be accepted until assessed as below. 2. Councillors are to advise Council's Administration Officer – Mayor, that an invitation has been received and provide a copy of the invitation to Administration Officer – Mayor to forward to the Office of the Mayor. It is the Mayor's decision as to who Council's representative at the meeting/function will be. 3. The Mayor shall review the invitation and determine who the most appropriate Council representative would be for each individual circumstance. Mayor to advise Council's Administration Officer – Mayor, of his decision. 4. Council's Administration Officer – Mayor, will RSVP to the host of the invitation advising who shall attend on behalf of Council. 5. Council's Administration Officer – Mayor, will make any necessary arrangements for the attendance at the event by Council's representative. 6. Any claims for travel and use of private vehicles to attend these functions/meetings must be accompanied by a copy of the relevant invitation and approval from the Mayor's Office. <p>This procedure was circulated to Councillors by email on 30 October 2017 (ED17/129022).</p> |
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PART 3 - TRAVELLING ON COUNCIL BUSINESS

3.1 Definition of Conference

In this part **conference** means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to the industry of local government and held within Australia.

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

Council will allocate a sufficient amount annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer 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.

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer with any necessary bookings to be made through the Chief Executive Officer's office. 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 this policy.

3.2 Who may attend conferences

Council will continue to be represented at the Annual Conference or Convention of the Associations as detailed hereunder, subject to appropriate funding provision being provided in the Council's Annual Budget and subject to the usual conditions. Attendance at conferences are to be approved by the Council with the Chief Executive Officer to approve attendances at seminars and conferences by staff.

| ORGANISATION | DELEGATES | OBSERVERS |
|--|--|---|
| Local Government NSW | Mayor, or his nominee, two other Councillors as delegates plus an alternate delegate (to act as delegate if required) and Councillors as determined by the Council | Chief Executive Officer or Nominee and Councillors as determined by the Council |
| Australian Livestock Markets Association | Mayor, or his nominee, one Councillor and alternate Councillors determined by the Council | Chief Executive Officer or nominee and the Director Economic Development and Business |
| Australian Airport Association | Mayor, or his nominee, one Councillor and alternate Councillors determined by the Council | Chief Executive Officer or nominee and the Director Economic Development and Business |
| Local Government Women's Conference | Two Councillors and alternate Councillors determined by the Council | Chief Executive Officer or nominee |
| Local Government Aboriginal Network Conference | Two Councillors and alternate Councillors determined by the Council | Chief Executive Officer or nominee |
| Australian Local Government Association Conference | Mayor, or his nominee | Chief Executive Officer or nominee |

Councillors may attend other conferences with the approval of Council.

3.3 Conference Costs

The following shall apply for the Mayor and Councillors authorised and/or appointed as delegates under this policy to attend conferences (as defined above):

3.3.1 Registration

The Council in accordance with 2.4 above, will pay all normal registration costs for delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

3.3.2 Accommodation

In accordance with 2.4 above, Council will pay reasonable double room or twin share accommodation costs including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

3.3.3 Travel

In accordance with 2.4 above, the following travel provisions will apply:

- (a) All reasonable travel costs for delegates to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
- (b) Where trains are used the Council will provide first class travel, including sleeping berths where available.
- (c) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the Chief Executive Officer.
- (d) Councillors using private vehicles (Councillor's own) in accordance with this policy may claim the kilometre rates for the necessary travel at the rate set by the Local Government State Award 2017 as at the date of travel with such rate deemed to cover and include any claims for accidental damage or repairs to the private vehicle and any loss of no claim bonus and any excess not covered by an insurance. This claim for kilometre allowance is subject to such claim not exceeding economy class air fares to and from the particular destination.
- (e) Where air travel is booked by Council for Councillors, Councillors shall not accrue frequent flyer points under the respective airlines program. This is considered a personal benefit.

3.4 Development Programs

Council will allocate a sufficient amount annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies. An amount of \$30,000 will be allocated annually for Councillor Professional Development, being \$3,000 annually for each Councillor. This amount will be allocated for individual professional training plans for Councillors and any unexpended funds shall not be carried over to the following year. This allocation may be made available for individual training courses for Councillors or attendance at conferences where the conference directly relates to their role as a Councillor. Expenses incurred by Council without a reasonable excuse for non-attendance at related events, including but not limited to training sessions and conferences, by a Councillor may result in a possible reimbursement to Council by that Councillor for costs incurred.

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.

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.

Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:

- details of the proposed professional development
- relevance to Council priorities and business
- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in this policy, as well as the cost of the professional development in relation to the available budget.

3.5 Out-of-Pocket Expenses

In accordance with 2.4 above, the following out of pocket expenses will apply:

- 3.5.1 So that Councillors, as delegates of the Council attending conferences are not financially disadvantaged, Councillors shall be entitled to claim "out-of-pocket" expenses.
- 3.5.2 The amount of the payment under Clause 3.5.1 shall be equal to reasonable costs substantiated by a tax invoice receipt or statutory declaration to the effect that the expenditure was incurred.
- 3.5.3 Such payment shall be made to cover incidental expenses associated with the conference attendance (and up to the relevant daily limits as per clause 2.4 herewith) such as:
- (i) telephone, facsimile or internet usage. Council will meet the cost of telephone calls from the delegate to his/her family and to Council during the period of the conference. Other telephone expenses are to be paid for by the delegate;
 - (ii) breakfasts, lunches, dinners and other meals not included in the registration fee;
 - (iii) laundry - Council will meet the cost of reasonable laundry or dry cleaning services whilst at the conference, if necessary;
 - (iv) optional activities in a conference program where approved by the Chief Executive Officer;
 - (vii) gifts taken - If it is appropriate that gifts be required for presentations, Council will provide items as determined by the Chief Executive Officer.
 - (viii) gifts received - Council's Code of Conduct should be adhered to at all times. Any gifts received must be declared in Council's Gift Register.

The following items are expressly excluded from incidental expenses that will be funded by Council

- (i) **bar fridge - Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room or snack food as provided by the bar fridge service.**
- (ii) **bar service - Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where special guests have been invited for drinks at the request of the Mayor or leader of the Council's delegation or meals as provided for in 2.4.**

3.5.4 An advance payment to the Councillor's bank account for "out-of-pocket" expenses under this clause may be paid, subject to any portion being refundable to the Council within seven (7) days of the conclusion of the conference if the actual period of attendance is less than that upon which the allowance was assessed. Any request for a cash advance must be completed on the attached form "Request for Cash Advance for the Purpose of Travelling on Council Business".

3.6 Conference Costs - Payment in Advance

3.6.1 The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance. Where this is not appropriate or possible an advance payment or cheque equivalent thereto may be paid to the attendee for payment to the appropriate party.

3.6.2 Any advance payments must be properly accounted for on the prescribed form within one (1) month after such conference.

3.7 Conference Costs - Delegates' Accompanying Person

3.7.1 Where the Mayor or a Councillor is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Councillor/accompanying person and not by the Council. The exception to this is that Council will meet the costs of the official conference dinner for an accompanying person of a Councillor for the Local Government NSW Annual Conference only. Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at the time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc with any Council delegates' registration.

3.7.2 Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

3.8 Local Functions

Where the Councillor attends local functions on behalf of Council, Council will be responsible for the payment of any fees for both the Councillor and their partner/accompanying person.

3.9 Overseas Travel

Overseas Travel for any purpose which is considered to be relevant to Council business and /or of particular benefit to the local community must be approved by Council. Full details of the travel and the purpose for the travel must be approved on an individual basis. The use of a tabled Mayoral Minute (not included on the Council Agenda) to obtain Council approval for travel is not considered appropriate as it is not consistent with principles of openness and transparency.

Retrospective re-imburement for overseas travel is not permitted.

After returning from overseas the Councillor, or an accompanying member of Council staff, must provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local community.

In regard to Sister City Relationships the establishment of a Sister City Relationship will be on the basis that Council bear no cost of staff members, the Councillor or members of the public visiting Sister Cities, with the exception being in respect of the Sister Cities Officer as follows:

That Council fund the salary, travel and accommodation expenses for the Sister Cities Officer to undertake a visit to Minokamo and Wujiang every three years, with the first visit being within the first year of appointment of a new person to the position based upon the following conditions:

- *The visits to both Minokamo and Wujiang being combined during the one (1) overseas trip*
- *A maximum of seven (7) days is spent during any one (1) combined visit*
- *That the Sister City Officer be paid his /her normal salary for a maximum of seven (7) days during any one (1) visit*
- *An economy return air fare being provided from Dubbo to the Sister Cities*
- *The Sister City Officer being paid for subsistence and accommodation during any visit at Level One (1) of the Reasonable Travel Allowance for the Sydney Metropolitan Area as determined from time to time by the Australian Taxation Office and as detailed in Council's Management Policy – Travelling and Subsistence Expense Policy.*
- *Travel insurance, a visa to visit China and travel to and from airports to accommodation being funded by Council.*
- *Council not incurring any other incidental travel costs such as a passport, luggage, clothes, money conversion costs and travel debit / credit card costs.*

3.10 Care

Council will reimburse reasonable costs of care arrangements including childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors to allow the Councillors to undertake their Council business obligations. Such costs will be certified by the Councillor to be necessarily incurred in the course of fulfilling their civic duties and/or conducting Council business.

3.11 Expenses Claim Approval

Any claim submitted to Council for reimbursement of expenses must be approved by the Executive Manager Governance and Internal Control having regard to appropriateness of the claim and regard to budget allocations. The Chief Executive Officer will then authorise the claim approval form.

3.12 Disputes Resolution

Any dispute relating to the administration of this Policy must be made in writing to the Chief Executive Officer detailing the grounds for the dispute.

Any such disputes will be referred to the next scheduled Ordinary Meeting of the Council for determination and resolution.

PART 4 - LEGAL ASSISTANCE**4.1 Legal and Representation Costs - Enquiries, Investigations, Hearings, etc**

4.1.1 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.

4.1.2 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 Chief Executive Officer 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.

4.1.3 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.

4.1.4 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.

4.1.5 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.

4.2 Legal Advice

Legal advice relating to a pecuniary interest, conflict of interest or matter governed by the code of conduct which in the opinion of the Chief Executive Officer is necessary to clarify the Councillor's responsibilities in the performance of his/her duties will be provided and paid for by Council.

PART 5 - INSURANCES

5.1 Personal Accident Insurance

Council carries a personal accident insurance policy on Councillors of Council as set out hereunder.

On the lives of ten (10) Councillors whilst engaged on their duties as Councillors of the Dubbo Regional Council, including whilst travelling.

5.2 Professional Indemnity/Public Liability Insurance

- (i) General Liability – indemnify each insured person(s) for all costs, charges, expenses and defence costs **but** excluding **finances** and **penalties** incurred in relation to any **prosecution** (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any **wrongful act** wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.

- (ii) Professional Indemnity - for matters arising out of the Councillor's performance of civic duties or exercise of the functions provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act, BUT subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.

5.3 Councillors' and Officers' Liability Insurance

Councillors' and Officers' Liability Insurance provides limited financial protection to Councillors and staff in circumstances where they may be named as an individual to a claim, and the normal protections under the Local Government Act or Council's General and Professional Liability insurance are not available.

The protection provided covers the liability to pay civil damages, the claimant's legal costs, and the Councillor's or staff member's costs incurred in the. The protection extends to the estate and heirs of a deceased Councillor or staff member.

PART 6 - ANNUAL FEES - MAYOR AND COUNCILLORS

6.1 Fees Payable to Councillors

Pursuant to Section 248 of the Act, the Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid to a Councillor for the following year commencing 1 July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Regulations and any specific resolution of the Council under Section 254A.

6.2 Fees Payable to the Mayor

Pursuant to Section 249 of the Act, the Council shall, prior to 30 June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1 July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

NOTE:

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

PART 7 – PROCESSES

7.1 Approval, payment and reimbursement arrangements

- 7.1.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 7.1.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 7.1.3 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
- 7.1.4 Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.

7.2 Direct payment

- 7.2.1 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Chief Executive Officer for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

7.3 Reimbursement

- 7.3.1 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 Chief Executive Officer.

7.4 Advance payment

- 7.4.1 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 7.4.2 The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$500.
- 7.4.3 Requests for advance payment must be submitted to the Chief Executive Officer for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 7.4.4 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.

7.5 Notification

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

7.6 Reimbursement to Council

- 7.6.1 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.
- 7.6.2 If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount from the Councillor's allowance.

7.7 Timeframe for reimbursement

- 7.7.1 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.

DUBBO REGIONAL COUNCIL
EXPENSES OF MEMBERS OF COUNCIL
(Local Government Act, 1993)
Section 252

NAME: _____ **DATE:** _____

NOTES:

1. Claim to be submitted in accordance with Council's Policy – Payment of Expenses and Provision of Facilities for the Mayor and Councillors.
2. Expenses claimed must be substantiated by Tax Invoice/Receipts or Statutory Declaration (see over).

TRAVELLING EXPENSES

| Date | Meeting/Function | Distance Travelled Outside of DRC Boundaries: |
|-------|------------------|--|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Total distance claimable: _____ km @ _____ ¢ per km
(office use)

Engine size _____ cc \$ _____
(office use)

OUT OF POCKET EXPENSES

Function/Occasion: _____

Date: _____

Summary of Expenses claimed:

| | |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

TOTAL PAYABLE \$ _____
(office use)

Name of Claimant: _____

Signature of Claimant: _____ Date: _____

Payment Approved _____ EXECUTIVE MANAGER GOVERNANCE AND
INTERNAL CONTROL

Payment Authorised _____ CHIEF EXECUTIVE OFFICER

Cost Number _____

NOTE: Reimbursement of travel expenses must be accompanied by the relevant approvals from the Mayor's office

STATUTORY DECLARATION

(1) Here insert name,
address and occupation
of person making the
declaration

I, (1) (Name)

(Address)

.....
(Occupation)

(2) Here insert matter
declared to. Where the
matter is long, add the
words "as follows:" and
then set the matter out
in numbered
paragraphs.

do solemnly and sincerely declare (2)

I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person
making the declaration.

(3).....

Declared at (place)

on (date)

before me (in the presence of),

(4) Signature of person
before whom the
declaration is made.

(4)

(5) Here insert title of
person before whom
the declaration is
made.

(5)

NOTE 1.-A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

NOTE 2.-A statutory declaration may be made before a Magistrate, a Justice of the Peace, a Commissioner for Affidavits, a Commissioner for Declarations, a Notary Public, a person before whom a statutory declaration may be made under the law of the State in which the declaration is made, an Australian Consular Officer or an Australian Diplomatic Officer as defined by section two of the Consular Fees Act 1995, a chiropractor, a dentist, a legal practitioner, a medical practitioner, a nurse, a patent attorney, a pharmacist, a veterinary surgeon, an agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public, a bailiff, a bank officer with five or more years of continuous service, a building society officer with five or more years of continuous service, the chief executive officer of a Commonwealth court, a civil marriage celebrant, the clerk of a court, a credit union officer with five or more years of continuous service, the holder of a statutory office, the Judge of a court, the Master of a court, a member of the Australian Defence Force who is an officer or a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with five or more years continuous service or a warrant officer within the meaning of the Act, a member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants, a member of the Institute of Corporate Managers, Secretaries and Administrators, a member of the Institution of Engineers, Australia other than at the grade of student, a member of the Parliament of the Commonwealth, the Parliament of a State, a Territory legislature or a local government authority of a State or Territory, a minister of religion registered under Division 1 of Part IV of the Marriage Act 1961, a permanent employee of the Commonwealth or of a Commonwealth authority or a State or Territory or of a State or Territory authority or a local government authority with five or more years continuous service, a permanent employee of the Australian Postal Corporation with five or more years continuous service who is employed in an office supplying postal services to the public, a police officer, the Registrar or Deputy Registrar of a court, a Senior Executive Service officer of the Commonwealth or of a State or Territory or of a Commonwealth, State or Territory authority, a Sheriff, a Sheriff's officer, or a teacher employed on a full-time basis at a school or tertiary education institution.

DUBBO REGIONAL COUNCIL

**REQUEST FOR CASH ADVANCE FOR THE PURPOSE OF
TRAVELLING ON COUNCIL BUSINESS**

**(THIS FORM MUST BE SUBMITTED TO EXECUTIVE MANAGER GOVERNANCE AND INTERNAL
CONTROL A MINIMUM OF SEVEN (7) WORKING DAYS PRIOR TO REQUIRED DATE TO ENSURE
PAYMENT OF ADVANCE IS RECEIVED BY REQUIRED TIME)**

NAME: _____ **DATE:** _____

PURPOSE OF TRAVEL: _____

START DATE: _____ **END DATE:** _____

AMOUNT OF CASH ADVANCE REQUESTED: \$ _____
(Maximum Cash Advance Request = \$100 per day)

BANK ACCOUNT DETAILS FOR CASH ADVANCE

Name of Account: _____

Bank Name: _____

BSB: _____ Account Number: _____

I understand that this is an application for a cash advance for the purpose of travelling on Council business. I agree to return any monies not spent from this cash advance and to provide tax invoices/receipts to justify any expenditure incurred from this advance.

Signed: _____ Date: _____

Payment Authorised: _____

Chief Executive Officer
