

# Cessnock City Council

## DRAFT Councillor Expenses & Facilities Policy

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## 1 POLICY SUMMARY

- 1.1. 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.
- 1.2. The policy has been prepared in accordance with the *Local Government Act 1993 (the Act)* and *Local Government (General) Regulation 2005 (the Regulation)*, complies with the Office of Local Government (**OLG**)'s *Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW* and is an adaptation of the OLG's *Model Councillor Expenses and Facilities Policy*.
- 1.3. The policy sets out the amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 1.4. The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense / Facility	Amount	Frequency
General travel expenses	\$1,300 total for all Councillors	Per year
Interstate, overseas and long distance intrastate travel expenses	\$5,000 total for all Councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	Minimum of \$10,000 total for all Councillors	Per year
Conferences and seminars	Minimum of \$20,000 total for all Councillors	Per year
Carer expenses	\$2,000 per Councillor	Per year
Postage stamps	\$100 per Councillor (excluding the Mayor)	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Corporate wardrobe	\$250 per Councillor in the first year and one third of the cost of the purchase up to a maximum of \$150	Per year

	for subsequent years	
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant
Cash advance for expenses	\$500	Per approved travel
Home Printing	Reasonable incidental costs up to \$400, with proof of purchase	Per year

- 1.5. Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.
- 1.6. Councillors must provide claims for reimbursement within three months of an expense being incurred, or within one month of the end of the financial year. Claims made after this time cannot be approved unless by approval of the General Manager due to extenuating circumstances.
- 1.7. A report on the provision of expenses and facilities to Councillors will be published in Council's Annual Report. The report will include expenditure summarised by individual Councillor and as a total for all Councillors.

## 2 PART A - INTRODUCTION

### 2.1 Introduction

- 2.1.1 The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Council.
- 2.1.2 The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 2.1.3 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.
- 2.1.4 Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 2.1.5 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.

### 2.2 Policy objectives

- 2.2.1 The objectives of this policy are to:
  - a) enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties,
  - b) enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties,
  - c) ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors,
  - d) ensure facilities and expenses provided to Councillors meet community expectations,
  - e) support a diversity of representation, and
  - f) fulfil the Council's statutory responsibilities.

### 2.3 Principles

- 2.3.1 Council commits to the following principles:
  - a) **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
  - b) **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
  - c) **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.

- d) **Equity:** there must be equitable access to expenses and facilities for all Councillors.
- e) **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- f) **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

## 2.4 Private or political benefit

- 2.4.1 Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 2.4.2 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.
- 2.4.3 Such incidental private use does not require a compensatory payment back to Council.
- 2.4.4 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.
- 2.4.5 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:
  - a) production of election material,
  - b) use of Council resources and equipment for campaigning,
  - c) use of official Council letterhead, Council Crest, publications, websites or services for political benefit or to create an impression it is official Council material,
  - d) travel expenses incurred while campaigning,
  - e) fundraising activities of political parties or individuals, including political fundraising events.

## 3 PART B - EXPENSES

### 3.1 General expenses

- 3.1.1 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.
- 3.1.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.

## 3.2 Specific expenses

### ***General travel arrangements and expenses***

- 3.2.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 3.2.2 Each Councillor and the Mayor may be reimbursed up to a total of \$100 per year, for travel expenses incurred while undertaking official business, professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
- a) for public transport fares,
  - b) for the use of a private vehicle or hire car,
  - c) for parking costs for Council and other meetings,
  - d) for tolls,
  - e) by Cabcharge card or equivalent,
  - f) for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 3.2.3 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

### ***Interstate, overseas and long distance intrastate travel expenses***

- 3.2.4 In accordance with clause 2.4, 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.
- 3.2.5 Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be capped at a maximum of \$5,000 per year. This amount will be included in Council's annual budget.
- 3.2.6 Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to the General Manager, for approval by the elected Council, prior to travel.
- 3.2.7 Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a Council meeting prior to travel.
- 3.2.8 The case should include:
- a) 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,

- b) who is to take part in the travel,
- c) duration and itinerary of travel, and
- d) a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

3.2.9 For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

3.2.10 For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

3.2.11 Unless otherwise specified by a resolution of Council, for international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

3.2.12 Bookings for approved attendance of Councillors (and where applicable, accompanying persons) at a conference, seminar or training course are to be made through the General Manager's Office.

3.2.13 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.

3.2.14 After returning from overseas, Councillors, or an accompanying member of Council staff, will provide a detailed written report to a Council meeting within 30 days on the aspects of the trip relevant to Council business and/or the local community.

#### ***Travel expenses not paid by Council***

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

#### ***Accommodation and meals***

3.2.16 In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

3.2.17 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Hunter region.

3.2.18 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.

3.2.19 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of clause 3.2.18.

3.2.20 Councillors will only be reimbursed for alcoholic beverages for reasonable consumption with meals.

#### ***Refreshments for Council related meetings***

3.2.21 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.

3.2.22 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***

3.2.23 Council will set aside a minimum of \$10,000 for Councillors annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.

3.2.24 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 OLG. The cost of the induction program will be in addition to the ongoing professional development funding.

3.2.25 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.

3.2.26 Approval for professional development activities is subject to a prior written request to the General Manager, outlining the:

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

3.2.27 In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in clause 3.2.26, as well as the cost of the professional development in relation to the Councillor's remaining budget.

#### ***Conferences and seminars***

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



- 3.2.29 Council will set aside a minimum of \$20,000 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.
- 3.2.30 Approval to attend a conference or seminar is subject to a written request to the General Manager.
- 3.2.31 In assessing a Councillor request, the approving authority must consider factors including the:
- a) relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties, and
  - b) cost of the conference or seminar in relation to the total remaining budget.
- 3.2.32 The approving authority for:
- a) Conferences and seminars of one-day duration is the General Manager;
  - b) Conferences and seminars of greater than one-day duration, is the elected Council.
- 3.2.33 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences subject to the limitations set out in this policy/subject to clauses 3.1.1 – 3.2.20. Council will also meet the reasonable cost of meals and beverages 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 3.2.17 – 3.2.20.
- 3.2.34 After returning from the conference, Councillors shall provide a written report to Council on the aspects of the conference relevant to Council business and/or local community. No written report is required for the annual conference of the Local Government NSW.

***Special requirement and carer expenses***

- 3.2.35 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.
- 3.2.36 Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 3.2.37 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.

3.2.38 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 up to a maximum of \$2,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

3.2.39 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

3.2.40 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.

### ***Accompanying Persons Expenses***

3.2.41 Council will meet the reasonable expenses for an accompanying person of the Mayor or Councillor for attendance at an official function of Council with prior approval of the Mayor or General Manager.

3.2.42 Council will meet the cost of registration and the official conference dinner of accompanying persons associated with attendance at the Local Government NSW annual conferences. Travel expenses, any additional accommodation expenses and the cost of accompanying person tours etc. are the personal responsibility of individual Councillors.

## **3.3 Insurances**

3.3.1 In accordance with section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this insurance policy.

3.3.2 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.

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

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

## **3.4 Legal assistance**

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

- a) a Councillor defending an action arising from the performance in good faith of a function under the Act provided that the outcome of the legal proceedings is favourable to the Councillor,

- b) a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor,
  - c) 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.
- 3.4.2 Council shall, on request from a Councillor, make application to Council's insurer for reimbursement of legal expenses incurred by a Councillor in the actions listed in clause 3.4.1, only if the claim exceeds the excess. The application is subject to the requirements of clause 3.3 above.
- 3.4.3 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.
- 3.4.4 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.
- 3.4.5 Council will not meet the legal costs:
- a) of legal proceedings initiated by a Councillor under any circumstances,
  - b) of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation, and
  - c) for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 3.4.6 Reimbursement of expenses for reasonable legal expenses must have General Manager approval prior to costs being incurred, subject to the limitations contained within clause 3.4 above.

## **4 PART C - FACILITIES**

### **4.1 General facilities for all Councillors**

#### ***Facilities***

- 4.1.1 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- a) a Councillor common room appropriately furnished to include telephone, photocopying/scanning equipment, printer, shredder, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol),
  - b) access to designated shared “Councillor” car parking spaces while attending Council offices on official business,
  - c) personal protective equipment for use during site visits,
  - d) 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.
- 4.1.2 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 General Manager’s Office or other specified staff member as arranged by the General Manager.
- 4.1.3 The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

***Information and communications technology (ICT) expenses***

- 4.1.4 Council will provide Councillors with appropriate ICT devices and services to facilitate the conduct of Council business with constituents and Council officers. A Council supplied email address and access to email will be provided.
- 4.1.5 Where Councillors have difficulty accessing mobile phone coverage they will be entitled to claim reimbursement of expenses for the use of their home phone for the purposes of conducting Council business. This is by exception and any reimbursement will be up to the monthly value of the Council issued smartphone service.
- 4.1.6 On request Council will supply Councillors with a mobile phone (with a Council supplied phone number) and iPad (or equivalent). The mobile phone and iPad are for use when exercising the Councillor’s official functions and may also be used for private purposes subject to proper payment where appropriate. Council may reduce the councillor allowance for the cost of calls made in relation to use of the mobile phone and iPad that are for private purposes and not incidental to the Councillor’s official functions.

***Stationery***

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

- c) general office stationary,
- d) lockable filing cabinet,
- e) diary.

4.1.8 Council will provide access to a printer in the administration building for the purpose of conducting Council business. Council will meet Councillors' reasonable incidental costs of home printing up to a maximum of \$400 per annum, with proof of purchase, should they be unable to utilise the Council printer.

4.1.9 Council will meet the Councillor's cost of posting correspondence relating to their civic duties. Councillors may use Council's normal in-house mailing facilities and any reasonable request for postage stamps will be met up to a limit of \$100 per annum. The limitation on mail items does not apply to the Mayor.

#### ***Administrative support***

4.1.10 Council will provide administrative support to Councillors to assist them with their civic duties only in accordance with Council's *Councillor Access to Information and Interaction with staff* policy. 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.

4.1.11 As per section 2.4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

#### ***Corporate dress***

4.1.12 Councillors will be provided with access to the corporate wardrobe under the same arrangements as Council staff, i.e. reimbursed of one third of the cost up to a maximum of \$250 in the first year and one third of the cost of the purchase up to a maximum of \$150 per annum for subsequent years.

#### ***Recognition of service***

4.1.13 Retiring or defeated Councillors are eligible for receipt of a Council plaque after serving one term as a Councillor.

### **4.2 Additional facilities for the Mayor**

4.2.1 Council will provide to the Mayor a maintained vehicle to a similar standard of other Council senior staff vehicles, with a fuel card. The vehicle will be supplied for use ~~for civic and private use~~ when exercising the Mayor's official functions (eg official business, professional development and attendance at the Mayor's office) and may also be used for private purposes subject to proper payment where appropriate.

- 4.2.2 The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.
- 4.2.3 The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set out in the NSW Treasury Salary packaging motor vehicle charges “Running Costs” which are also provided by LGNSW.
- 4.2.4 Given the public nature of the role and regular interaction with local residents in relation to Council matters, all travel within the Cessnock LGA is to be deemed as travel relating to the Mayor’s official functions unless otherwise specified by the Mayor. For example, if the Mayor is travelling in the Council area for work associated with their personal employment, such travel is unlikely to be related to or incidental to work as a Council official and should, for the purpose of the Policy, be regarded as private use of the vehicle.
- 4.2.5 A parking space at Council’s offices will be reserved for the Mayor’s Council-issued vehicle for use on official business, professional development and attendance at the Mayor’s Office.
- 4.2.6 Council will provide the Mayor with a furnished office incorporating a computer configured to Council’s standard operating environment, telephone and meeting space.
- 4.2.7 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.
- 4.2.8 The number of exclusive staff provided to support the Mayor and Councillors will not exceed one full time equivalent.
- 4.2.9 As per clause 2.4, 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.
- 4.2.10 If requested by the Mayor, Council will provide a credit card facility for use in the conduct of civic duties.

## 5 PART D - PROCESSES

### 5.1 Approval, payment and reimbursement arrangements

- 5.1.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

- 5.1.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 5.1.3 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- a) local travel relating to the conduct of official business
  - b) carer costs.
- 5.1.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

***Direct payment***

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

***Reimbursement***

- 5.1.6 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

***Advance payment***

- 5.1.7 Council may pay a cash advance or similar for Councillors attending approved conferences, seminars or professional development.
- 5.1.8 The maximum value of a cash advance is \$500 for conference, seminar or professional development.
- 5.1.9 Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 5.1.10 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a) a full reconciliation of all expenses including appropriate receipts and/or tax invoices
  - b) reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

***Notification***

- 5.1.11 If a claim is approved, Council will make payment directly or reimburse the Councillor through Accounts Payable.

5.1.12 If a claim is refused, the General Manager will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

### ***Reimbursement to Council***

5.1.13 If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- a) Council will invoice the Councillor for the expense;
- b) the Councillor will reimburse Council for that expense within 30 days of the invoice date.

5.1.14 If the Councillor cannot reimburse Council within 30 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***

5.1.15 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred with the exception of those expenses incurred during May and June which must be submitted no later than 31 July. Claims made after this time cannot be approved unless by approval of the General Manager due to extenuating circumstances.

## **5.2 Disputes**

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

5.2.2 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.

## **5.3 Return or retention of facilities**

5.3.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office, at the cessation of their civic duties.

5.3.2 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.

## **5.4 Publication**

5.4.1 This policy will be published on Council's website.



## 6 RESPONSIBILITIES

### 6.1 Compliance, monitoring and review

- 6.1.1 The General Manager is responsible for the implementation of, and compliance with, this policy.
- 6.1.2 The Finance and Administration Manager is responsible for the review of this policy within 12 months of each term of council. This policy may be amended from time to time and any amendments to this policy must be by way of Council resolution.
- 6.1.3 The operation of this policy, including claims made under the policy, are subject to review by Council's Internal Auditor and may be included in Council's audit program.

### 6.2 Breaches

- 6.2.1 Suspected breaches of this policy are to be reported to the General Manager.
- 6.2.2 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.

### 6.3 Reporting

- 6.3.1 Documentary evidence of each expense claim must be held and transaction details thereof in Council's records management system.
- 6.3.2 All expense claims are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.
- 6.3.3 Council must include additional information in its annual report on the payment of expenses of, and provision of facilities to, councillors in relation to their civil functions in accordance with section 217(1)(a1) of the *Local Government (General) Regulation 2005* (NSW).

### 6.4 Records management

- 6.4.1 Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.

## 7 POLICY DEFINITIONS

<b>accompanying person</b>	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
<b>appropriate refreshments</b>	Means food and beverages, provided by Council to support Councillors undertaking official business
<b>Act</b>	Means the <i>Local Government Act 1993</i> (NSW)
<b>clause</b>	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
<b>Code of Conduct</b>	Means the Code of Conduct adopted by Council
<b>Council</b>	means Cessnock City Council
<b>Councillor</b>	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
<b>General Manager</b>	Means the General Manager of Council and includes their delegate or authorised representative
<b>incidental personal use</b>	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
<b>Hunter region</b>	The local government areas of the member Councils of Hunter Councils, excluding Mid Coast Council.
<b>long distance intrastate travel</b>	Means travel to other parts of NSW of more than three hours duration by private vehicle
<b>maximum limit</b>	Means the maximum limit for an expense or facility provided in the text and summarised in the Policy Summary
<b>NSW</b>	Means New South Wales
<b>official business</b>	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: meetings of Council and committees of the whole meetings of committees facilitated by Council civic receptions hosted or sponsored by Council meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
<b>professional development</b>	Means a course or other development opportunity relevant to the role of a Councillor or the Mayor
<b>Regulation</b>	Means the Local Government (General) Regulation 2005 (NSW)
<b>year</b>	Means the financial year, that is the 12 month period commencing on 1 July each year

## 8 POLICY ADMINISTRATION

<b>Business Group</b>	General Manager's Unit
<b>Responsible Officer</b>	General Manager
<b>Associated Procedure (if any, reference document(s) number(s))</b>	Councillors Expense Claims procedure (DOC2018/014132)
<b>Policy Review Date</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number</b>	DOC2017/075910
<b>Relevant Legislation (reference specific sections)</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act</i> 1993 (NSW), Sections 252 and 253</li> <li>▪ <i>Local Government (General) Regulation</i> 2005 (NSW), Clauses 217 and 403</li> <li>▪ <i>Office of Local Government Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW</i>, 2009</li> <li>▪ <i>Local Government Circular 17-17 Councillor Expenses and Facilities Policy – Better Practice Template</i></li> <li>▪ <i>Office of Local Government Councillor Expenses and Facilities Policy Template 2017</i></li> <li>▪ <i>Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities</i></li> <li>▪ <i>Local Government Circular 05-08 legal assistance for Councillors and Council Employees.</i>)</li> </ul>
<b>Relevant desired outcome or objectives as per Council's Delivery Program</b>	<p><i>Civic Leadership and Effective Governance</i></p> <p><i>Objective 5.1: Fostering &amp; Supporting Community Leadership</i></p>
<b>Related Policies / Protocols / Procedures / Documents (reference document numbers)</b>	<ul style="list-style-type: none"> <li>▪ <i>Records Management Policy</i> (DOC2019/038769)</li> <li>▪ <i>Code of Conduct</i></li> <li>▪ <i>Code of Meeting Practice</i></li> <li>▪ <i>Procurement Policy</i></li> </ul>

## 9 POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Manage and approve payment of expenses of, and provision of facilities to, Councillors in relation to their civic functions.	General Manager or their delegate

## 10 POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	4 November 2009 (PM91/2009)	Policy review
2	7 April 2010 (BN17/2010)	Policy review
3	20 October 2010 (PM90/2010 - 1221)	Policy review
4	3 August 2011 (PM41/2011 – 581)	Policy review
5	21 November 2012	Policy review
6	20 November 2013 PM126/2013 - 679)	Policy review
7	19 November 2014	Policy review
8	21 October 2015	Policy review
9	19 October 2016	Policy review
10	21 February 2018 (CC4/2018)	Adoption of OLG's Model Policy with CCC specific variations.
11	18 March 2021 (CC3/2021)	Policy review
12	TBA	Mandatory review following 2021 Council Election