



LEETON
SHIRE COUNCIL

DRAFT
**COUNCILLOR EXPENSES AND
FACILITIES POLICY**

July 2022

DOCUMENT CONTROL

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| REVIEWED BY: | Executive Manager IPR, Governance and Engagement | | | | |
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REVIEW OF THIS DOCUMENT

This document will be reviewed in full every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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Overview

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

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations.

Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared with regard to the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and is generally aligned 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 processes - and in some cases amounts - for specific expenses and facilities.

Expenses not explicitly addressed in this policy will generally not be paid or reimbursed unless so authorised and agreed by the Mayor and General Manager. Such expense payments will also be reported to Council as early as practicable.

The main expenses and facilities are summarised in the table below. Any monetary amounts are exclusive of GST.

| Expense or facility / Budget | Maximum amount / Process | Frequency |
|---|---|---|
| Corporate Items – name badges and business cards | Two badges per Councillor – supplied Business cards | Once upon election As required |
| Conferences and Seminars 22/23 Budget \$7,452 | Reasonable costs with all conference registrations to be made by General Manager or delegated staff. | As required, noting Council's regular attendance at LGNSW, ALGA and MDA Conferences |
| General Travel Expenses, including Accommodation and Meal Expenses 22/23 Budget \$10,518 | Reasonable costs with all bookings to be made by General Manager or delegated staff. | As required, noting Council's regular attendance at LGNSW, ALGA and MDA Conferences |
| Provision for Accompanying Person 22/23 from Budget above | Will meet cost of accompanying person or partner of Councillor for LGNSW/ALGA/MDA Annual Conference meals and travel, and for Civic Receptions held in Leeton Shire | As required, where budget allows |
| Professional Development 22/23 Budget \$2,500 | Reasonable costs with all course registrations to be made by General Manager or delegated staff. | As required |
| Technology Provision 1 x iPad per Councillor 1 x iPhone for Mayor | One i-pad per Councillor – supplied One mobile phone for Mayor, if requested | Per term of office |
| Carer expenses – | Reasonable costs up to a maximum of \$1200 per councillor, with application | Per year, as required, and subject to a budget |

| Expense or facility / Budget | Maximum amount / Process | Frequency |
|---|---|---|
| 22/23 Budget \$0 | to be made to General Manager or delegated staff. | review. |
| Mayoral Facilities <ul style="list-style-type: none"> - Furnished office - Vehicle with fuel - Mobile phone - Access to EA shared with General Manager - Credit Card | Supplied, if required, noting vehicle is for official duties only and credit card is for official use only. | Per term <i>22/23 - Note that Mayor does not require a vehicle or a phone.</i> |
| Councillor access to facilities for meetings with residents <ul style="list-style-type: none"> - Mayoral Office - Council Chambers | Meeting rooms may be booked through EA to General Manager and Mayor | As required |

Additional costs incurred by a Councillor in excess of these limits are generally 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.

Councillor expenses will be reported in the Annual Report as a whole and in the Annual Financial Statements.

PART A – Introduction

1. Introduction

- 1.1 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 as elected representatives.
- 1.2 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.)
- 1.3 The General Manager is empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

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.

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. Such incidental private use does not require a compensatory payment back to Council.
- 4.3. 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.
- 4.4. 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.
- 4.5. For air travel for Council business, Councillors must not accrue points from the airline's frequent flyer program. This is considered a private benefit.

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 generally not be paid or reimbursed unless so authorised by both the Mayor and the General Manager or, failing that, by the elected Council.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken having regard to the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor on authorised council business outside of Leeton Shire may be reimbursed for reasonable costs, subject to the provision of receipts, including:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award where a suitable Council vehicle has not been available for use.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas travel expenses

- 6.5. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid 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.
- 6.6. No travel, accommodation or meal costs will be covered unless the travel has been authorised by Council in advance of any travel via a resolution at a full Council meeting.

Travel expenses not paid by Council

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

Accommodation and meals

- 6.8. Council will reimburse reasonable costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside Leeton Shire Council. All accommodation is to be arranged by the General Manager or delegate.
- 6.9. The daily limits for reasonable accommodation and meal expenses vary between metropolitan and regional areas and should generally not exceed \$250 / \$350 per night for regional / city accommodation and \$180 per day for meals.
- 6.10. Daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.9.
- 6.11. Councillors will not be reimbursed for more than two standard alcoholic beverages per person per day when travelling on Council business.

Refreshments for Council-related meetings

- 6.12. Appropriate refreshments from readily available and affordable brands 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.

Professional development

- 6.13 Council will set aside funds annually in its budget to facilitate professional development of Councillors through programs, training and education courses.
- 6.14 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).
- 6.15 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.
- 6.16 In assessing a Councillor request for a professional development activity, the General Manager must consider the relevance of the training to Council business, as well as the cost of the professional development in relation to the Councillor's remaining budget. If there is any concern about the relevance of the training, the General Manager may consult the Mayor.

Conferences and seminars

- 6.17 Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.18 Council will set aside funds 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, noting that:
- Each year, the Mayor and Deputy Mayor are authorised to attend the LGNSW Annual Conference and ALGA National Congress, with their partners. If one or both are unavailable, the opportunity will be extended to other Councillors. Additional Councillors may attend provided their attendance is approved at a full Council meeting and it is confirmed in the report to Council that sufficient budget is available.
 - Each year, the Mayor and Councillor who is the Portfolio Lead for Water are authorised to attend the MDA Annual Conference, with their partners. If one or both are unavailable, the opportunity will be extended to other Councillors with an active interest in water policy advocacy.
- 6.19 Except for those listed above in 6.18, 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.
- 6.20 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 6.8–6.11.

Information and communications technology (ICT) expenses

- 6.20 Council will provide iPads to Councillors and an iPhone to the Mayor, if required.
- 6.21 Council does not provide private internet services to Councillors but if this prevents a Councillor

from performing their duties, an approach can be made to the General Manager to discuss options. The Mayor and General Manager are authorised to approve a solution where the cost is immaterial. Where material, a report should be presented to full Council for consideration.

- 6.22 These devices and services are to be used by Councillors to undertake their civic duties, such as:
- receiving and reading Council business papers
 - diary and appointment management
 - general correspondence and on-line meetings and
 - for the Mayor, if applicable, relevant phone calls.
- 6.23 Councillors may request applications on their mobile electronic communication devices that are directly related to their duties as a Councillor, where these can reasonably be provided within available IT budgets.

Special requirement and carer expenses

- 6.24 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, as required.
- 6.25 Transportation provisions outlined in this policy will also assist Councillors who are unable to drive a vehicle, except for disqualification.
- 6.26 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.
- 6.27 Councillors who are the principal carer of a child (up to and including the age of 16 years) or other elderly, disabled and/or sick immediate family member will be entitled to reasonable reimbursement of carer's expenses up to a maximum of \$1500 per annum for attendance at official business. Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. For adult dependents this may take the form of advice from a medical practitioner.

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 and overseas travel on Council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is

favourable to the Councillor

- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor
 - for any general legal advice even if related to the business of Council
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a full Council meeting prior to costs being incurred.

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:
- 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 the Council administration building at no cost. Rooms may be booked through the Executive Assistant to the Mayor and General Manager.
- 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 business cards to Councillors on the understanding these cards will only be used to support a Councillor's civic duties.

Administrative support

- 9.5. Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning. For Council meetings, support can be requested from the Group Manager Corporate or their delegate. For all other support, Councillors should direct their requests to the General Manager or the EA to the Mayor and General Manager.

10. Additional facilities for the Mayor

- 10.1. If required, the Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with provision to purchase fuel. The vehicle will be for Council business use, with only incidental private use.
- 10.2. 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.
- 10.3. 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 by the Local Government (State) Award.
- 10.4. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment (if required), telephone and meeting space.
- 10.5. In performing his or her civic duties, the Mayor will generally be assisted by the EA to the Mayor and General Manager for administrative and secretarial support, as determined by the General Manager or by other staff, as determined by the General Manager.
- 10.6. As per Section 4, staff are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
- 10.7. The Mayor will be provided a Council credit card to pay for accommodation, meals and incidentals directly related to performing the role of Mayor, including covering the costs of other Councillors attending functions along with the Mayor. The credit card is to be used strictly for Council business only.

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 generally be obtained before the expense is incurred.
- 11.3. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 11.4. 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

- 11.5. 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 EA to the Mayor and General Manager.

Advance payment

- 11.6. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.7. The maximum value of a cash advance is \$180 per day of the conference, seminar or professional development, provided that the need for the advance is suitably justified to the General Manager.
- 11.8. 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.
- 11.9. 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

- 11.10. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 11.11. 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

- 11.12. 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.
- 11.13. 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

- 11.14. 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.

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.

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. Reports on the provision of expenses and facilities to Councillors will be reported in the Annual Report and the Annual Financial Statements.

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, may be included in Council's audit program at the request of Council's Audit, Risk & Improvement Committee.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E – Appendices

18. 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 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

19. 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 provided by Council to support Councillors undertaking official business |
| Act | Means the <i>Local Government Act 1993 (NSW)</i> |
| clause | Unless stated otherwise, a reference to a clause is a reference to a clause of this policy |
| Code of Conduct | Means the Code of Conduct adopted by Council |
| Councillor | Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor |
| General Manager | Means the General Manager of Council and includes their delegate or authorised representative |
| incidental personal use | Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct |
| long distance intrastate travel | Means travel to other parts of NSW of more than three hours duration by private vehicle |
| maximum limit | Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1 |
| 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: meetings of Council and committees of the whole meetings of committees facilitated by Council civic receptions hosted or sponsored by Council meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council |
| professional development | Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor |
| Regulation | Means the <i>Local Government (General) Regulation 2005 (NSW)</i> |
| year | Means the financial year, that is the 12 month period commencing on 1 July each year |