



**Payment of Expenses and the Provision of Facilities  
for Members Policy**

**Local Government Act 1993 No 30**

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## Policy summary

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

It ensures accountability and transparency and seeks to align Member expenses and facilities with community expectations. Members 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 Chairs and Members in NSW.

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

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

Detailed reports on the provision of expenses and facilities to Members will be publicly tabled at a council meeting every six months and published in full on council's website.

## **Part A - Introduction**

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### **1 Introduction**

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

### **2 Policy objectives**

- 2.1 The objectives of this policy are to:
  - enable the reasonable and appropriate reimbursement of expenses incurred by Members while undertaking their civic duties
  - enable facilities of a reasonable and appropriate standard to be provided to Members to support them in undertaking their civic duties
  - ensure accountability and transparency in reimbursement of expenses and provision of facilities to Members
  - ensure facilities and expenses provided to Members 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:** Members and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions

**Reasonable expenses:** providing for Members to be reimbursed for expenses reasonably incurred as part of their role as Member

**Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as Member

**Equity:** there must be equitable access to expenses and facilities for all Members

**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 Members.

## **4 Private or political benefit**

- 4.1 Members 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 Members may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.
- 4.3 Such incidental private use does not require a compensatory payment back to council.
- 4.4 Members 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, Members must reimburse the council.
- 4.5 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
- production of election material
  - use of council resources and equipment for campaigning
  - use of official council letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.

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## **Part B -Expenses**

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

- 5.1 Council shall pay to or on behalf of its Members reasonable allowances towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling on Council business and all such payments to Members, and payment of fees, shall be in accordance with the provisions of the Local Government Act, 1993.

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- 5.2 Council may provide, on the request of the Member, an advance payment to meet re-disbursable out-of-pocket expenses not able to be covered by Council order, prepayment or invoice for authorised attendance as delegate or to seminars, conferences and inspections which have been approved by Council and in accordance with this policy.
- 5.3 Claims for reimbursement of out-of-pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Member's Claim Form and accompanied by the appropriate receipts and/or tax invoices.
- 5.4 Council will, wherever possible provide a Council car, for the use of Members in attending meetings of committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Member is officially representing Council.

Where the aforementioned provision of a Council car is not possible, Council will reimburse Members for the cost of using their own vehicle to travel to and from Council meetings and meetings of committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Member is officially representing Council. The reimbursement will be in accordance with the Local Government (State) Award in force at the time the travel occurred.

The driver will be personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council approved business.

- 5.5 At all times travel is to be by Council vehicle unless Council determines another mode of travel is to be used as circumstances may, from time to time, warrant.
- 5.6 For the purposes of this policy attendance at conferences, seminars, etc. may be approved under the following circumstances: -
- 5.6.1 The attendance of Members at conferences, seminars, etc., will be permitted from time to time, providing that all associated costs can be absorbed within existing, approved expenditure votes.
- 5.6.2 Council must, for its information, be notified of any proposal to attend any conference, seminar, etc., as provided in i) above.

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- 5.7 Prior to attendance at any conference, seminar, etc., the agenda for such conference, seminar, etc., will be reviewed by the General Manager or the Chairperson as appropriate, to ensure that the conference, seminar, etc., is relevant and appropriate and justifies attendance.
- 5.8 As far as is possible, a schedule of conferences, seminars, etc., proposed to be attended in the forthcoming year will be included for consideration in conjunction with Council's Plan of Management.
- 5.9 The spouses, partners and/or carers of Members shall be permitted to travel to regular or approved conferences, seminars, etc., in Council vehicles; however, Council will not be responsible for any other expenses of spouses, partners and/or carers.
- 5.10 Allowances for travelling and sustenance are to be based on reimbursement for the actual costs incurred as follows: -
- 5.10.1 Accommodation: 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.
- 5.10.2 Out-Of-Pocket Expenses: To be paid in addition to accommodation, to a maximum of one hundred dollars (\$150.00) per day.
- 5.10.3 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 5.10.4
- 5.10.4 Members will not be reimbursed for alcoholic beverages

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- 5.11 In accordance with Section 4, Council will scrutinise the value and need for Members 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.
- 5.12 Members seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel.
- 5.13 Members seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 5.14 No expenses will be paid or reimbursed unless incurred in accordance with this policy.

## **6 Special requirement and carer expenses**

- 6.1 Council will provide access for Members with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Member's normal civic duties as the need arises.
- 6.2 Members who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses for attendance at official business.
- 6.3 Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.4 In the event of caring for an adult person, Members will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.
- 6.5 Council will provide all reasonable sustenance, etc., to Members as is appropriate to their carrying out the duties of civic office.

## **7 Legal assistance**

- 7.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a Member 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 Member
  - a Member 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 Member
  - a Member 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 Member.
- 7.2 In the case of a code of conduct complaint made against a Member, 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

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commenced a formal investigation of the matter and makes a finding substantially favourable to the Member.

- 7.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Member of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Member has done during his or her term in office. For example, expenses arising from an investigation as to whether a Member acted corruptly would not be covered by this section.
- 7.4 Council will not meet the legal costs:
- of legal proceedings initiated by a Member under any circumstances
  - of a Member 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 Member performing their role as a Member.
- 7.5 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.