



ORDINARY MEETING OF COUNCIL

Wednesday, 29 March 2023

Business Paper Attachments

ITEM 6.4 – Review of Multiple Policies

1. Council – Councillors Policy
2. Councillors – Response by Email Policy
3. Draft Media Policy
4. Draft Closure of Council Facilities over the Christmas and New Year Period
5. Draft Payment of Expenses and Provision of Facilities for Councillors Policy
6. Payment of Expenses and Provision of Facilities for Mayor, Councillors & Staff Policy – Adopted December 2016

Attachments

ADMINISTRATION POLICIES



COUNCIL - COUNCILLORS

Objective

To provide a framework for the efficient and effective administration of Council and ensure that the community is well informed of Council decisions.

Policy

A. Requests for Work

Minor works requests are to be referred direct to the General Manager.

Reason

To ensure requests for work are dealt with expeditiously.

B. Business Paper

1. Closing date for correspondence to be at 12.00 noon on the Monday, nine (9) days prior to the Council Meeting. Any correspondence received after that day, and before the Meeting day and considered by the General Manager as necessary to be dealt with expeditiously by Council, is to be submitted as Late Correspondence.
2. All Ordinary Meeting Agendas to be emailed posted or delivered to Councillors before 12.00 noon on the Thursday prior to the last Wednesday in each month.
3. Council Senior Officers and Delegates are to complete their Reports, where possible, prior to 12.00 noon on Tuesday, eight (8) days prior to the Council Meeting.

Reason

To ensure the timely production and distribution of Council's monthly business paper.

C. Council Chambers

- a) The Meeting Room shall be available for hire to local organisations free of charge and in order of application.
No recreational use shall be permitted.
- b) Official opening hours of the Office shall be from 8:30am to 5:00pm, Monday to Friday.

Reason

To provide a Meeting Room for local organisations and to define Office hours.

ADMINISTRATION POLICIES



COUNCIL - COUNCILLORS

D. Meetings - Exclusion of Public

Objective

To provide a framework for the efficient and effective administration of Council and to ensure that the community is well informed of Council's decisions.

Policy

The Council or Committee of the Whole shall close to the public only so much of its Meeting as comprises the receipt or discussion of any of the following matters:-

- a) Personnel matters concerning particular individuals.
- b) The personal hardship of any resident or ratepayer.
- c) Commercial information the disclosure of which would be likely:-
 - * To prejudice the commercial position of the person who supplied it.
 - * To confer a commercial advantage on a competitor or the Council.
 - * To reveal a trade secret.
- d) Proposals for:-
 - * The sale or purchase of land.
 - * The rezoning of land.
 - * Entering into contracts of any kind if prior knowledge of those proposals could confer an unfair financial advantage on any person.
- e) Information that is subject to legal obligations or confidence.
- f) The receipt and consideration of legal advice concerning litigation.
- g) Information the disclosure of which would prejudice the maintenance of the law.
- h) Matters affecting the security of the Council, Councillors, Council Staff or Council property.
- i) A motion to close the Meeting to the public.

The grounds on which a Meeting is closed to the public must be specified in the decision to close the Meeting and recorded in the Minutes of the Meeting.

Reason

To clearly define the circumstances under which the public shall be excluded from Meetings of the Council.

Approved Council Meeting 29th September, 1983 - Minute No. 593/83.

Amended Council Meeting 26th March, 1987 - Minute No. 85/87.

Amended Council Meeting 29th October, 1987 - Minute No. 451/87.

Amended Council Meeting 28th January, 1988 - Minute No. 47/88.

ADMINISTRATION POLICIES



COUNCIL - COUNCILLORS

Amended Council Meeting 26th October, 1988 - Minute No. 438/88.

Amended Works Committee Meeting 25th October, 1989 - Minute No. 415/89.

Amended Works Committee Meeting 25th July, 1990 - Minute No. 267/90.

Amended Council Meeting 1st July, 1993 - Minute No. 226/93.

Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.

Amended Council Meeting 26 November 2008 – Minute No.:84/0809

Reaffirmed Council Meeting 26 October 2016 – Minute No.: 61/1617

ADMINISTRATION POLICIES



COUNCILLORS – RESPONSE BY EMAIL

Objective

To provide a framework for the efficient and effective administration of Council and ensure that the community is well informed of Council decisions.

Policy:

Items of business forwarded to Councillors by email will be endorsed by Council's Staff with a proposed course of action. If a response to the proposed course of action is not received from any Councillor by the close of business (5:00pm) on the next business day following the day of issue of the email message, then the proposed course of action will be deemed by the Officer concerned to be appropriate and will proceed accordingly.

If a Councillor expresses a dissenting view the matter will be brought before a full Council Meeting.

A summary of recommendations attaching to each report issued by email, other than those reports submitted for information only, will be presented to Council for formal adoption, at the first Ordinary Council meeting following the issue of the report.

Reason

To establish clear guidelines for the conduct of Council business by email.

Adopted Council Meeting 24th November, 1993 - Minute No. 432/93.

Amended Council Meeting 27th November, 1996 - Minute No. 112/96.

Amended Council Meeting 28 October 2008 – Minute No. 71/2008-2009

Amended Council Meeting 16 October 2016 – Minute No.: 61/20162017



WALCHA COUNCIL

ADMINISTRATION POLICY

DRAFT Media Policy

Applicability

All Councillors and Council Staff

Publication Requirement

Internal and External

Assigned Responsible Officer

General Manager

Document Status

Version	Date Reviewed	Prepared by	Endorsed	Approved (date)
1.0	17 March 2023	Executive Assistant		

Amendment Record

Amendment Version #	Date Reviewed	Description of Amendment



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POLICY OBJECTIVE

This Media Policy has the following objectives:

- a) To ensure consistency by Councillors and Staff in dealing with the media;
- b) To promote open exchange of information between Council and the media;
- c) To limit the publication of inaccurate information which promotes conflict or embarrassment for employees and Councillors;
- d) To limit the possibility of miscommunication and reputation risk;
- e) To promote positive media relationships;
- f) To clearly indicate Council's authorized spokespersons; and
- g) To ensure appropriate authorization and responsibility for information provided.

POLICY SCOPE

This policy applies to media communications relating to Council activities.

POLICY STATEMENT

This policy provides a framework for Councillors and staff to use to promote positive coverage of Council affairs that is fair, accurate and reliable.

POLICY COMMITMENT

Walcha Council is committed to clear and effective communication with residents of Walcha and consider this communication to be intrinsic to effective policy and service development.

ROLES & RESPONSIBILITIES

Mayor:

- a) Is the Council's official spokesperson on all policy and community matters; and
- b) May nominate another Councillor to speak on a particular matter.



General Manager:

- a) Is the Council's official spokesperson on operational matters of Council;
- b) May nominate other staff to act as spokesperson for the Council; and
- c) Is responsible for coordinating media liaison and issuing press releases and has been delegated authority to respond to media enquiries on behalf of Council.

No staff member, other than those authorized by the General Manager are to respond to an enquiry from the media without prior approval from one of the above.

Information given to the media of a controversial, legal or ethical nature must be approved by the Mayor and General Manager prior to release.

All new employees are to be given Council's Media Policy as part of the induction process.

Roles and responsibilities of all other roles within Council are included in the table below:

Authorised Officer	Roles and Responsibilities
Mayor	Council's Official Spokesperson on all policy matters. Authorised signatory for Letters to the Editor on policy issues.
Deputy Mayor	Act as the Mayor's delegated spokesperson if the Mayor is not available.
Councillors	Provide the media with comment, identifying that this is provided as their personal opinion and not representing the official position of Council.
General Manager	To make statements on behalf of Council to the media. Council's Official Spokesperson on all operations and administration issues. Authorised signatory for Letters to the Editor on these issues.
Directors	To make statements on behalf of Council to the media provided there has been prior consultation with the General Manager and statements are made in conformity with any directions given by the General Manager.
Executive Assistant to the General Manager and Mayor	Responsible for providing information to the media on behalf of Council and distribution of written media comment to media organisations.
Staff	No media role unless requested by a Director or the General Manager to provide information or comment.
Committee Members	No media role on behalf of Council.



COUNCIL STAFF AND THE MEDIA

The following protocols must be adhered to at all times when dealing with the media:

- a) All media enquiries should be directed to the Mayor and/or General Manager.
- b) Council staff must not speak to the Media about matters related to Council unless authorized to do so.
- c) Council employees may not provide comment or information to the media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council Staff in a negative light.
- d) Council employees may speak to the media or write Letters to the Editor as private individuals with the following restrictions:
- e) From time to time it may be necessary for a publication (such as a letter to the editor) to be written as an official Council communication to inform the community about a particular matter. Such publications must be issued through the General Manager and are subject to the approval of the Mayor.
- f) In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council employees should be issued via the relevant union.
- g) When appropriate a member of Council staff may become the sole spokesperson on a specific issue, event or initiative within their operational portfolio, to ensure consistency of message.
- h) Media Releases must be distributed to approved distribution lists at the same time. The General Manager, in consultation with the Mayor, will approve which distribution lists are relevant to the specific media release.
- i) Walcha Council has two media distribution lists, Local and Regional. These are stored in CM9 at WINT/20/566.
- j) When a media organization or representative requests information on a specific topic, the response must be provided exclusively to that organization or representative.
- k) Council staff must never provide information "off the record" during media interviews. Anything said to any media representative may appear in a future news story.
- l) Contractors or service providers employed by Council must refer all media enquiries relating to Council to the General Manager.

COUNCILLORS AND THE MEDIA

The following protocols must be adhered to by Councillors at all times when dealing with the media:

- a) Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position, but must always clearly articulate if the opinions expressed are being communicated in their capacity as a Councillor OR as a private community member.
- b) Whenever Councillors publicly express their opinions they must make it clear they are speaking for themselves and not for Council.
- c) Whenever Councillors are delegated by the Mayor to speak on behalf of Council, they must express Council's position.
- d) When Councillors speak "for the Council" when delegated by the Mayor, they must express and support Council's entire policy on the issue at hand.



MEDIA RELEASES

The following protocols must be adhered to in relation to the preparation and publication of Council Media Releases:

- a) Staff may prepare draft media releases but they must be forwarded to the General Manager for review, editing and to approve distribution prior to issue.
- b) Walcha Council media releases should never be issued without prior approval from the General Manager, Mayor or delegated authority.
- c) A media release should never be issued quoting a Councillor or member of staff without that person's prior knowledge.
- d) Staff with specialist knowledge may be quoted in media releases with the permission of the relevant delegated authority.
- e) Media releases must be approved by the General Manager or the delegated authority before posting on Council's website.



WALCHA COUNCIL

ADMINISTRATION POLICY

DRAFT Closure of Council Facilities over Christmas New Year Policy

Applicability

All Councillors and Council Staff

Publication Requirement

Internal and External

Assigned Responsible Officer

General Manager

Document Status

Version	Date Reviewed	Prepared by	Endorsed	Approved (date)
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2.0	22 March 2023	Interim General Manager		

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POLICY OBJECTIVE

To provide a policy, subject to the provisions of Section 335 and others of the Local Government Act, 1993, authorising the General Manager to close selected Council facilities over the Christmas New Year period each year.

POLICY SCOPE

This policy applies to all Council staff.

POLICY STATEMENT

1. That Council authorise the General Manager to determine closure or reduced operating hours of Council facilities over the Christmas New Year period each year, emergency services excepted;
2. That Council authorise the General Manager to close the Council Administration Building for a period of two weeks, typically taken as two weeks from Christmas Eve;
3. That Council rely on the statutory role of the General Manager as stated in Section 335 and others of the *Local Government Act, 1993, " that the general manager is generally responsible for the efficient and effective operation of the council's organization "*;
4. That the General Manager advise members of the public of by way of advertisements in the print media and other media sources as required, of the Council facilities that will be open and / or closed during the Christmas New Year period each year; and
5. Authorise the General Manager to approve affected staff special leave for the office closure period between Christmas Day and New Year's Day.



WALCHA COUNCIL

ADMINISTRATION POLICY

DRAFT Payment of Expenses and Provision of Facilities for Councillors

Applicability

All Councillors and Council Staff

Publication Requirement

Internal and External

Assigned Responsible Officer

General Manager

Document Status

Version	Date Reviewed	Prepared by	Endorsed	Approved (date)
1.0	17 March 2023	Executive Assistant		

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POLICY OBJECTIVE

The objectives of this Policy are to ensure compliance with the provisions of Section 252 of the *Local Government Act 1993*, (the Act) by adopting a Policy concerning the payment of expenses incurred, or to be incurred by, and the provision of facilities to the Mayor, the Deputy Mayor and Councillors in relation to the performance of the functions of civic office.

The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred, by Councillors. The Policy also ensures that the expenses allowed and the facilities provided to assist Councillors carry out their civic duties, are fair and reasonable.

POLICY – Part 1

Making and Adoption of Policy:

In accordance with Section 252 of the Act, Walcha Council must, within the first twelve months of each term of Council, adopt a Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Council will not pay any expenses incurred or to be incurred by, or provide any facilities to the Mayor, the Deputy Mayor or a Councillor other than in accordance with this Policy.

In accordance with Section 253 of the Act, Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

Before adopting or amending the Policy, Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment. Council will not give public notice of a proposed amendment to its Policy for the Payment of Expenses or Provision of Facilities if Council is of the opinion that the proposed amendment is not substantial. This Policy may only be adopted or amended in a Council Meeting which is not closed to the public.

Legislative Provisions

Sections 248, 248A, 249, 250, 251, 252, 253, 254 and 254A of Part 2 Division 5 of the Local Government Act, 1993 and clauses 403 and 404 of the Local Government (General) Regulation 2005 provide for the fees, expenses and facilities that may be paid or provided to the Mayor, Deputy and Councillors of Walcha Council.

**Approval Arrangements**

Approval arrangements for Councillor discretionary trips, attendance of Councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this Policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

Where approval at a Council Meeting is not possible, or appropriate, then approval must be given jointly by the Mayor and the General Manager. If the Mayor requires approval, it must be given jointly by the Deputy Mayor or another Councillor and the General Manager.

Where a Councillor is representing Council at an official engagement or function within the Walcha Council Local Government Area by arrangement with, and the approval of the Mayor, due to the inability of the Mayor to attend, Council will be responsible for the cost of the Councillor's attendance

PAYMENT OF EXPENSES – PART 2**General Provisions:****Payment of Expenses Generally***1. General Expense Allowance*

This Policy does not include any general expense clause and provides for payment of, or reimbursement of actual expenses incurred by Councillors in the carrying out of their civic duties. Not does this policy include payment of any general allowances unrelated to actual expenses.

Claims for reimbursement of expenses must be lodged no later than three months after the expense is incurred.

2. Monetary Limits for Expenses

Expenses and other benefits provided to Councillors under this Policy identify specific monetary limits and/or rates for the payment of expenses and other benefits to Councillors. Monetary limits and/or rates are based on what is considered to be a reasonable level of provision. All monetary limits are exclusive of GST.

Identification of specific monetary limits and/or rates for the payment of expenses and other benefits provided to Councillors under this Policy is to ensure accountability and transparency; and allow members of the public to be aware of the cost of providing services to Councillors in the carrying out of their civic duties.

Monetary limits may only be waived by a resolution of Council in exceptional circumstances. Any waiver of a monetary limit will apply to a particular event or circumstance and will not constitute an amendment to this Policy.

3. Private Benefit

Private use of Council facilities and resources by a Councillor to obtain a private benefit is not permitted. A Councillor acting in good faith in the performance of their civic duties is able to



obtain no more than incidental private use of Council facilities and resources. Where more than incidental use occurs, the Councillor will be required to reimburse the Council the actual costs of the private benefit obtained.

In situations where private use by a Councillor of Council facilities and resources occurs, the General Manager will determine a suitable rate for reconciliation and reimbursement by the Councillor to the Council of the private benefit obtained.

Councillors must not obtain a private benefit from the provision of Council equipment and facilities while on Council business. It is acknowledged that from time to time, the incidental use of Council equipment and facilities may occur. Such incidental private use is not subject to a compensatory payment back to the Council.

4. Use of Council Resources for Political Purposes

A Councillor's re-election to Council or election to other bodies, the fundraising activities of political parties, including political fundraising events are considered to be personal interests. Official Council material such as letterhead, publications, websites as well as Council services and forums must not be used for re-election purposes or any personal interests. Council facilities, equipment and services must not be used to produce election material or for any other political purposes.

Situations in which the appearance or perception may be given that Council material, facilities and resources are being used for such purposes must be avoided.

5. Gifts & Benefits

In circumstances where it is appropriate for Councillors to give a gift or benefit, for example, on a Council business related trip or when a Councillor is receiving visitors, such gifts and benefits must be of token value only.

6. Participation, Equity and Access

Council's Payment of Expenses and Provision of Facilities to Councillors Policy is designed to be non-discriminatory, equitable and encourage the election to Council of people from diverse backgrounds representative of the demographics of the Walcha Community and Local Government Area. Council's Policy is sufficiently flexible to allow Councillors to represent the community in different ways and takes account, as much as is possible, the individual differences of Councillors who make up the elected body of Walcha Council.

7. Approval and Dispute Resolution

In the event of a dispute arising concerning the payment of expenses and provision of facilities to Councillors, any such dispute will be referred to a Meeting of Council for determination. The General Manager will provide a report to Council outlining the terms of the dispute for determination by Council.



8. Reimbursement of Expenses

Council will reimburse Councillors' reasonable out of pocket or incidental expenses associated with attending Council approved conferences, seminars, forums, workshops and professional development programs upon the presentation of official receipts and the completion of a claim form within three months of the expenses being incurred. Upon submission of the claim which must include appropriate receipts and tax invoices, the claim will be verified to be in accordance with this Policy and the Councillor reimbursed.

9. Payment in Advance

Councillors may submit a claim for an advance payment in anticipation of expenses to be incurred in attendance at Council approved conferences, seminars, forums, workshops and professional development programs. Advance payment claims will be verified to ensure compliance with this Policy and approved for payment.

In circumstances where an advance payment is made to a Councillor, the Councillor must fully reconcile all expenses incurred against the advance payment within 30 days of the date of the advance and submit the reconciliation to the General Manager for verification and approval in accordance with this Policy.

SPECIFIC EXPENSES FOR THE MAYOR AND COUNCILLORS

Councillor Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events

A budget allowance is made in the Operational Plan budget for Councillor fees, allowances and travel costs.

These funds are designed to provide for attendance of Councillors at inductions, training seminars, conferences, workshops, professional development programs, industry working parties and community non-Council functions and events.

Where not listed in this policy, authorisation for the attendance of Councillors to events will be by way of a resolution of the Council and where time not allow and the attendance is within existing budgets for this the Mayor (and in the case of the Mayor, the General Manager) may authorise the attendance and retrospectively bring a report to Council for note and public transparency. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the Councillor's civic functions and responsibilities and/or the Local Government Sector.

Councillors shall at the conclusion of their attendance at the seminar, conference or training provide a report to Council on the aspects of the seminar, conference or training. This report should be submitted to Council within three months of their attendance. Attendance at the Local Government NSW Annual Conference or National General Assembly will not require a report to Council.

No payment will be approved for the attendance by a Councillor at any political fundraising event,



DRAFT Payment of Expenses and Provision of Facilities for Councillors

Our Ref: WINT/2023/

for any donation to a political party or candidate's electoral fund, or for some other private benefit.

Amounts remaining unexpended as at 30 June each year, for the attendance of Councillors at Conferences and Workshops; and Community Non-Council Functions and Events will expire and will not be carried over or available for expenditure by a Councillor in the next financial year.

Travel Arrangements and Expenses within Walcha Council Local Government Area (LGA)

Councillors will be reimbursed for travel expenses in accordance with the Local Government NSW Award for approved rates for use of private motor vehicles to attend the following:

- Council Meetings;
- Council Committee Meetings;
- Working Group Meetings where the Councillor is the nominated Delegate;
- Section 355 Committee Meetings;
- External Organisations / Committee Meeting where the Councillor is the nominated Delegate;
- Workshops convened by Council;
- Public Meetings convened by Council;
- Training Programs relating to the role of the Council;
- Inspections within the area of the Council, undertaken according to a resolution of Council; and
- To attend a formal function or meeting where a formal invitation to attend arises only as a result of their position as a Councillor, provided:
 - a) Travel by Councillors within the Walcha Council LGA must be undertaken by utilizing the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations; and
 - b) Reimbursement is subject to a formal claim being lodged not later than three months after the expense was incurred.

Council will be responsible for the expenses of Councillors to attend meetings, official engagements and functions where the Councillor has been authorised by the Council or is deputizing for the Mayor within the Walcha Council LGA. Expenses relating to a Councillor spouse, partner or accompanying person, who may accompany a Councillor, will be the responsibility of the Councillor.

The kilometre rate payable to Councillors who travel in their own vehicle shall be the rate payable under the Local Government State Award.

Domestic Travel Outside Walcha Council LGA

Council will be responsible for the payment of travel and transport expenses incurred by Councillors to attend State Government sponsored ad hoc committees, official engagements and functions where the attendance of the Councillor has been authorised by the Council.

Travel by Councillors outside the Walcha Council LGA must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal



medical considerations. All travel expenses will be incurred against the Councillor fees, allowances and travel costs budget. In the first instance, Councillors must request a Council owned motor vehicle through the Executive Assistant and if not available, they are then approved to utilise their own vehicle.

International Travel

Council will be responsible for the payment of overseas travel expenses incurred by Councillors directly associated with the carrying out of the Councillor's civic duties where authorised by Council.

Where Councillors, while representing the Council (including visits sponsored by other organisations) propose to travel overseas, the proposals should be considered at an Open Council Meeting through a report from the Mayor, General Manager or responsible Director / Manager prior to any travel being undertaken.

All proposals should indicate:

- Who is planned to take part in the travel;
- Proposed itinerary and expected duration;
- Objectives for undertaking the travel, including an explanation of what benefits will accrue from the exercise with an approximate budget; and
- Detailed costs, including a statement of any amounts expected to be reimbursed by the participants.

Overseas travel by Councillors must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Council will not permit or allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been given by the Council.

All travel expenses will be incurred against the Councillor fees, allowances and travel costs budget.

After returning from Council approved overseas travel, the Councillor or Councillors involved are required to submit a detailed written report to the Council on the outcomes and benefits achieved for the Council and the Community from the overseas travel.

Operational Plan Reference

If details are known prior to the preparation of the Operational Plan proposals for overseas travel by Councillors, Council Staff or other persons while representing the Council (including visits sponsored by other organisations) should be documented in that Plan. The Plan must be widely circulated in the Community. Community input about the proposed visit can therefore be considered as par to the Operational Plan and Budget finalisation process. Proposals should indicate:

- The names and titles of the Councillors, Council Staff or other persons while representing the Council (including visits sponsored by other organisations) and staff members who are planning to take part in the overseas travel, including the destination, expected duration



- and the reasons for the proposed travel;
- The objectives for undertaking the overseas trip, including an explanation of what community benefits may/will accrue from the exercise, together with an approximate budget.

Sponsorship

If the visit is to be sponsored by private enterprise or other Government organisations, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process.

International Travel with Short Notice

Where exceptional cases arise and travel has to be undertaken at short notice, the above proposals should be put to Council, in Open Council, for confirmation. The outcomes, costs and attendances should be included in the first Annual Report issued subsequent to the travel taking place.

Record in Annual Report

Council is required under Section 428 of the Local Government Act, 1993, and Section 217 of the Local Government (General) Regulation 2005 to report on overseas visits undertaken in any year by Councillors, Staff or other persons representing Council. These details are included, after the visit, in Council's Annual Report produced each year and will include details of the cost to Council for the travel, who took part in the travel, the length of the trip and how the objectives were met and what quantifiable benefits will flow to the Community.

Accommodation Costs

Council will be responsible for the accommodation costs of Councillors when attending Council approved events (eg: conferences, seminars, forums, workshops and professional development programs) outside the Walcha Council LGA. Accommodation must be appropriate, practicable and economic and be generally equivalent to no more than the cost of a 4 star accommodation rating or standard.

Any additional accommodation expenses relating to a Councillor spouse, partner or accompanying person who may accompany a Councillor will be the responsibility of the Councillor.

Approved Events

For the purposes of this policy, the following shall be considered as regular Conferences at which Council may be represented and the relevant Staff permitted to attend:

- The Annual Conference of Local Government New South Wales;
- The Annual National Conference of Local Government Australia;
- Country Mayors Association of New South Wales events.

Technology

Councillors will be provided with an iPad or laptop computer inclusive of normal data usage to meet their civic duties. Any excess data usage will be reviewed by the Director Corporate & Community which may result in Councillors being responsible for the cost.



Councillors who reside outside the Telstra mobile network will be provided with an equivalent service.

The Council shall provide a mobile phone to the Mayor and meet the cost of all official calls and communication costs.

Insurance Expenses and Obligations

Section 382 of the Act requires Council to make arrangements for adequate insurance against public liability and professional indemnity.

For matters arising out of Councillors' performance of their civic duties, Councillors will be subject to the following insurances:

- Public Liability.
- Professional Indemnity.
- Personal Accident and Injury.
- Use of private motor vehicles whilst engaged in Council business.
- Property Insurance for loss or damage for personal property if travelling overseas.

Credit Card

The Council shall provide a corporate credit card to the Mayor to be used on official Council business. The credit card is to be managed in accordance with Council's Credit Card and Procurement Policies.

Legal Expenses and Obligations

Providing that the outcome of the legal proceedings is substantially favourable to the Councillor, reasonable legal costs will be available to a Councillor for:

- a) defending an action arising from the performance in good faith of a function under the Local Government Act 1993 (section 731 refers);
- b) 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; or
- c) proceedings before an investigative or review body or hearing into a Councillor's conduct provided the subject of the proceedings arises from the performance in good faith of a function under the Act.

Investigative or review body or hearing into a Councillor's conduct include:

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal;
- (ii) Independent Commission Against Corruption;
- (iii) Office of the NSW Ombudsman;
- (iv) Office of Local Government, Department of Premier and Cabinet;
- (v) NSW Police Force;
- (vi) Director of Public Prosecutions;
- (vii) Council's Code of Conduct Review Committee or Code of Conduct Reviewer.

In the case of a conduct complaint made against a Councillor, legal costs will only be available where a matter has been referred by the General Manager to a Code of Conduct Reviewer or a Code of Conduct Review Committee to make formal enquiries into the matter in accordance with the procedures of the Council's Code of Conduct.



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In the case of pecuniary interest or misbehaviour matter, legal costs will only be made available to a Councillor where a formal investigation has been commenced by the Office of Local Government. Council will not meet the legal costs of:

- any legal proceedings initiated by a Councillor under any circumstances;
- a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
- a Councillor for legal proceedings that do not involve a councillor performing their role as a Councillor.

The Mayor in conjunction with the General Manager will determine by approval or refusal applications by Councillors for the payment or reimbursement of legal expenses incurred in accordance with this Policy.

In the event of the Councillor seeking payment or reimbursement of legal expenses in accordance with this Policy, being the Mayor, the Deputy Mayor in conjunction with the General Manager, will determine the application.

If the Mayor and General Manager, or the Deputy Mayor and the General Manager as the case may be, are not able to determine an application by a Councillor for payment or reimbursement of legal expenses in accordance with this Policy, the application will be referred to a full a Meeting of the Council for determination.

Expenses for Spouse, Partners and Accompanying Persons

Council will meet the reasonable costs of a Councillor's spouse, partner or accompanying person for attendance at official Council functions that are of a formal and ceremonial nature held or occurring within the Walcha Council Local Government Area. Such functions would be those that a Councillor's spouse, partner or accompanying person would be reasonably expected to attend. Examples include Australia Day Award ceremonies, citizenship ceremonies, civic receptions and charitable functions and events for charities formally supported by the Council.

The payment of expenses for the spouse, partner or accompanying person of a Councillor who may accompany a Councillor at any official engagement, event, function, conference other than the Local Government Association Annual Conference, seminar, forum, workshop and professional development program directly associated with performance of the civic duties of the Councillor held or occurring outside the Walcha Council Local Government area will be the responsibility of individual Councillors.

Section 355 Committees

Councillors elected or appointed to section 355 Committees and who wish to attend the Annual Conference directly associated with the function exercised by the Committee may do so. The costs will be allocated from the Councillor fees, allowances and travel costs budget.

Expenses relating to a Councillor spouse, partner or accompanying person who may accompany a Councillor will be the responsibility of the Councillor



PROVISION OF FACILITIES – Part 3

GENERAL PROVISIONS

Provision of Facilities Generally

Stationery

Council will provide, upon request, stationery to Councillors to be used in the carrying out of their civic duties.

Postage

Council will provide Councillors with postage facilities where the communication being posted is directly related to the carrying out of the Councillor's civic duties.

Administrative Services

Council will provide administration services to all Councillors directly relating to the carrying out of a Councillor's civic duties.

Training

Council will conduct professional development and training programs for Councillors appropriate for the effective and efficient carrying out of a Councillor's civic duties. Professional development and training programs will be conducted by either Council Staff or external service providers where required.

Resource Centre and Office Accommodation

A room will be made available to Councillors as a location Centre to meet with residents and use telephone and other relevant facilities (eg: computer screen) in the carrying out of the Councillor's civic duties. The following resources will be provided to enable Councillors to undertake individual research:

- Local Government Act, 1992 and related legislation;
- Environmental Planning & Assessment Act, 1979;
- Walcha Council Code of Conduct;
- ICAC and Ombudsman Reports;
- Walcha Local Environmental Plans;
- Other relevant reports and materials as appropriate.

Meals and Refreshments

A meal and refreshments will be made available for Councillors for Council Meetings.

Mayoral Office

The Mayor will be provided with furnished Mayoral Office to carry out the civic duties of the Office of Mayor.



OTHER MATTER – Part 5

Acquisition and Returning of Facilities by Councillors

Councillors must return all Council property, equipment and other facilities allocated or provided to them under this Policy to the General Manager within 14 days after the completion of their term of office, extended leave or absence or at the cessation of their civic duties.

Councillors may submit offers to purchase Council property, equipment and other facilities allocated or provided to them under this Policy at the cessation of their civic duties. If the items are available for sale, the purchase will be at an agreed fair market price or written down value.

Councillor Annual Fees

Councillor annual fees do not fall within the scope of this policy.

Review

Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 2 years or following an Ordinary Election of Council, or earlier if there are relevant statutory or State Government policy changes.

Version	Date Reviewed	Prepared by	Endorsed	Approved
1.0	28 February 2007	General Manager	Council	Minute No.: 151/06-07
2.0	24 October 2007	General Manager	Council	Minute No.: 281/07-08
3.0	28 October 2008	General Manager	Council	Minute No.: 59/08/09
4.0	26 November 2008	General Manager	Council	Minute No.:90/0809
5.0	25 November 2009	General Manager	Council	Minute No.: 89/0910
6.0	27 April 2011	General Manager	Council	Minute No.: 183/1011
7.0	26 October 2011	General Manager	Council	Minute No: 90/1112
8.0	23 November 2011	General Manager	Council	Minute No: 114/1112
9.0	27 July 2012	General Manager	Council	Minute No.: 320/1112
10.0	29 August 2012	General Manager	Council	Minute No.: 31/1213
11.0	28 August 2013	General Manager	Council	Minute No.: 32/1314
12.0	25 August 2014	General Manager	Council	Minute No.: 18/1415
13.0	30 September 2015	General Manager	Council	Minute No.: 49/1516
14.0	14 December 2016	General Manager	Council	Minute No.: 98/1617

PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS & COUNCILLORS AND STAFF



Part 1 Introduction

- **Title**
Payment of Expenses and the provision of facilities for Mayors & Councillors and Staff
- **Purpose of the Policy**
The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by councillors and staff. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.
- **Objectives and coverage of the Policy**
To identify those Conferences at which Council will be represented and to identify expenses that will be paid and facilities that will be provided to Councillors and Staff.
- **Legislative requirements**
Local Government Act 1993 and Local Government (General) Regulation) 2005.
- **Other NSW Government policy provisions**
Department of Local Government *Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors, Model Code of Conduct for Local Councils in NSW* and Circulars to Councils.
ICAC Publication – *No Excuses for Misuse, preventing the misuse of council resources, etc.*

Part 2 Policy

1. Council shall pay to or on behalf of its members and Staff reasonable out-of-pocket allowances towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling on Council business and all such payments to Councillors, and payment of fees, shall be in accordance with the provisions of the Local Government Act, 1993.
2. Separate votes shall be established in Council's annual Budget to provide for the cost of attendance by Councillors and Staff at all regular Conferences (as detailed in 3 below) together with estimates of the probable expenditure on non-recurrent or extraordinary Conferences, Seminars or the like.
3. Council may provide, on the request of the Councillor or Staff 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.

**PAYMENT OF EXPENSES AND THE PROVISION OF
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4. Claims for reimbursement of out of pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor's Claim form and accompanied by the appropriate receipts and/or tax invoices.

5. Council will, wherever possible provide a Council car, for the use of Councillors 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 Councillor is officially representing Council.
Where the aforementioned provision of a Council car is not possible, Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, 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 Councillor is officially representing Council; at a rate of 65c per kilometre for vehicles with engine capacity less than 2.5L and 74c per kilometre for vehicles with engine capacity greater than 2.5L. The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

6. For the purposes of this policy the following shall be considered as regular Conferences at which Council may be represented and the relevant Staff permitted to attend:-
 - a) The Annual Conference of Local Government New South Wales.
 - b) The Annual Conference of the Local Government Managers Australia (New South Wales Division).
 - c) The Annual Conference of Institute of Public Works Engineering Australia and associated Field Days.
 - d) The Annual Conference of the Environmental Health and Building Surveyors Association.
 - e) The Annual Conference of the Country Libraries Association of NSW.
 - f) Attendance at Conferences Seminars, etc , other than those listed in this policy, may be approved under the following circumstances:-
 - i) the General Manager may, from time to time, approve the attendance of staff at conferences, seminars, etc., as part of Council's Staff Training Program, provided that all associated costs can be absorbed within existing, approved expenditure votes.
 - ii) the attendance of Councillors at conferences, seminars, etc., other than those detailed in this policy, will be permitted from time to time, providing that all associated costs can be absorbed within existing, approved expenditure votes.
 - iii) Council must, for its information, be notified of any proposal to attend any conference, seminar, etc., as provided in ii) above.

PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS & COUNCILLORS AND STAFF



- iv) Prior to attendance at any conference, seminar, etc., the agenda for such conference, seminar, etc., will be reviewed by the General Manager and Senior Staff or the Mayor, General Manager and Senior Staff as appropriate, to ensure that the conference, seminar, etc., is relevant and appropriate and justifies attendance.

As far as is possible, a schedule of conferences, seminars, etc., proposed to be attended in the forthcoming year, together with proposed training programs, will be included for consideration in conjunction with Council's Operational Plan.

7. Representation at these Conferences shall be as follows:-
 - a) The Annual Conference of Local Government New South Wales:
 - ❖ Mayor as Delegate
 - ❖ General Manager
 - ❖ Two (2) Councillors as Observers
 - b) The Annual Conference of the Local Government Managers Australia:
 - ❖ The General Manager for the full Conference; and
 - ❖ One (1) other appropriate qualified or near qualified Staff member for two (2) days.
 - c) The Annual Conference of Institute of Public Works Engineering Australia and associated Field Days:
 - ❖ The Director – Engineering Services for the full Conference; and
 - ❖ The Project Engineer for two (2) days.
 - ❖ In addition, Council's Plant Committee and other Staff, as determined by the Director – Engineering Services, from time to time, be permitted to attend the Field Days.
 - d) The Annual Conference of the Environmental Health and Building Surveyors Association:
 - ❖ The Director – Environmental Services.
 - e) The Annual Conference of the Country Libraries Association of NSW:
 - ❖ One (1) elected member, and
 - ❖ Council's Librarian.
8. Councillor expenses may not be used to support attendance by Councillors at political fund-raising functions.
9. 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.
10. The spouses of Councillors and Staff 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.
11. Allowances for travelling and sustenance are to be based on reimbursement for actual costs incurred as follows:-

PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS & COUNCILLORS AND STAFF



- a) Accommodation: Up to, but not exceeding a standard equivalent to that of ☆☆☆☆ Motel classification. Council may however take advantage of negotiated tariffs irrespective of the motel/hotel classification, provided that such tariffs are no greater than those applicable to the abovementioned classification.
- b) Out-Of-Pocket Expenses: To be paid in addition to accommodation, to a maximum of One hundred dollars (\$100.00) per day. If this limit is exceeded a request for reimbursement must be made to the full Council.
12. No expenses will be paid or reimbursed unless incurred in accordance with this policy.
13. The Council shall provide to Councillors, at the expense of Council, an Ipad to assist them in carrying out the duties of civic office. Council will also provide, at its expense, communication costs associated with the Council use of the Ipad/device.
14. The Council shall provide a mobile phone to the Mayor and meet the cost of all official calls and communication costs up to a maximum of \$100 per month.
15. The Council shall provide a corporate credit card to the Mayor to be used on official Council business. The credit card is to be managed in accordance with Council's credit card policy.
16. Council will provide the opportunity, and encourage Councillors to undertake, training and education as provided by Local Government New South Wales Learning Solutions as provided in the annual budget and authorised by Council. The training or educational course must be directly related to the Councillor's civic functions and responsibilities.
17. Council will provide access for Councillors with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Councillor's normal civic duties; as the need arises.
18. Council will provide all reasonable sustenance, etc., to Councillors as is appropriate to their carrying out the duties of civic office.
19. Legal Advice/Expenses:-
That in the event of:
- (1) any enquiry, investigation or hearing by any of:-
- the Independent Commission Against Corruption;
 - the Office of the Ombudsman;
 - the Department of Local Government and Co-Operatives;
 - the Police;
 - the Director of Public Prosecutions; or

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- the Local Government Pecuniary Interest Tribunal,
 - any other properly constituted authority
 - Council's Conduct Review Committee/Review into the conduct of a Councillor; or
- (2) legal proceedings being taken against a Councillor, arising 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, Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:-
- (a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
 - (a) that the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.
20. Council shall provide insurances against public liability and professional indemnity for Councillors for matters arising out of the performance of their civic duties and the exercise of their Council function.
21. Any disputes arising from this policy will be reviewed by Council's Staff Committee.
22. Councillor annual fees do not fall within the scope of this policy.
23. This policy also applies to an Administrator of Council should one be appointed.

Approved Council Meeting 28 February 2007 – Minute No.: 151/06-07
Reaffirmed Council Meeting 24 October 2007 – Minute No.: 281/07-08
Amended Council Meeting 28 October 2008 – Minute No.: 59/08/09
Adopted Council Meeting 26 November 2008 – Minute No.:90/0809
Amended Council Meeting 25 November 2009 – Minute No.: 89/0910
Reaffirmed Council Meeting 27 April 2011 – Minute No.: 183/1011
Amended Council Meeting 26 October 2011 – Minute No: 90/1112
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Amended Council Meeting 27 July 2012 – Minute No.: 320/1112
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