



# **BUSINESS PAPER**

**Extraordinary Council Meeting**

**5 January 2022**

## ETHICAL DECISION MAKING & CONFLICT OF INTEREST

*A Guiding Checklist for Councillors, Officers & Community Committees*

### ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of Interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

### CONFLICT OF INTEREST

A Conflict of Interest is a clash between private interests and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Department of Local Government and, Non-pecuniary – regulated by Codes of Conduct, ICAC, Ombudsman, Department of Local Government (advice only).

### THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

### IDENTIFYING PROBLEMS

- 1 Do I have private interest affected by a matter I am officially involved in?
- 2 Is my official role one of influence or perceived influence over the matter?
- 3 Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

### AGENCY ADVICE

Officers of the following agencies are available during Office Hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and codes.

<b>Contact</b>	<b>Phone</b>	<b>Email</b>
Narrandera Shire Council	02-6959 5510	<a href="mailto:council@narrandera.nsw.gov.au">council@narrandera.nsw.gov.au</a>
ICAC	02-8281 5999	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
Toll Free	1800 463 909	
Department of Local Government	02-4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
NSW Ombudsman	02-8286 1000	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>
Toll Free	1800 451 524	

## COMMUNITY STRATEGIC PLAN

# Themes

### Agenda Section 16 ~ Our Community

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- 1.1 To live in a healthy community and one that demonstrates a positive attitude
- 1.2 To advocate for quality educational and cultural opportunities
- 1.3 To live in an inclusive and tolerant community
- 1.4 To feel connected and safe

### Agenda Section 17 ~ Our Environment

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- 2.1 To value, care for and protect our natural environment
- 2.2 To effectively manage and beautify our public spaces
- 2.3 To live in a community where there are sustainable practices

### Agenda Section 18 ~ Our Economy

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- 3.1 To encourage new business and industry that can be sustained
- 3.2 To support local business and industry to grow and prosper
- 3.3 To strongly promote our Shire and to improve its attractiveness
- 3.4 To grow our population

### Agenda Section 19 ~ Our Infrastructure

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- 4.1 To have an improved and adequately maintained road network
- 4.2 To improve, maintain and value-add to our public and recreational infrastructure
- 4.3 To improve and enhance our water and sewer networks
- 4.4 To have a say when planning for new facilities or refurbishing existing facilities

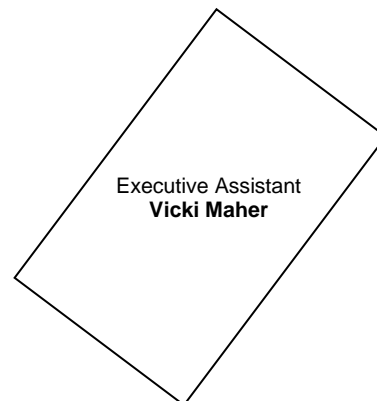
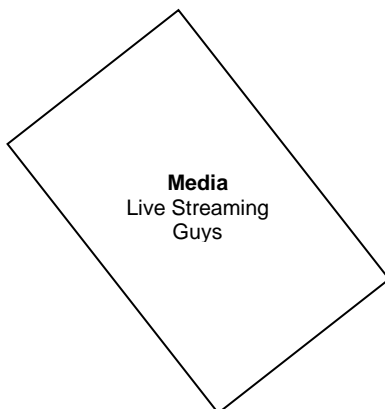
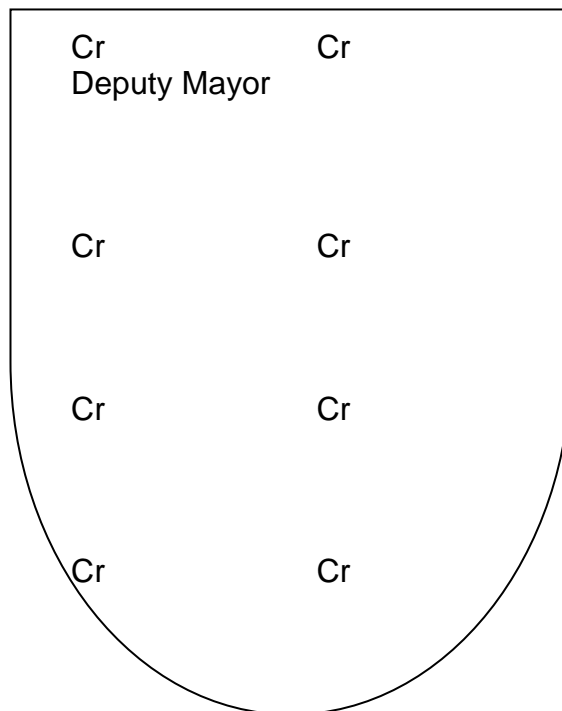
### Agenda Section 20 ~ Our Civic Leadership

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- 5.1 To have a Council that demonstrates effective management consistently
- 5.2 To have a progressive Council that communicates and engages well with all of the community and is a role model for inclusivity
- 5.3 To have a community and a Council that works collaboratively with harmony, respect and understanding

# SEATING

General Manager <b>George Cowan</b>	<b>MAYOR</b>	Deputy General Manager Infrastructure <b>Shane Wilson</b>	Deputy General Manager Corporate & Community <b>Martin Hiscox</b>
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**Notice is hereby given that the Extraordinary Meeting of the Narrandera  
Shire Council will be held in the Council Chambers on:  
Wednesday 5 January 2022 at 2pm**

## Order Of Business

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- 1      **ACKNOWLEDGEMENT OF COUNTRY**
- 2      **HOUSE KEEPING**
- 3      **DISCLOSURE OF POLITICAL DONATIONS**
- 4      **PRESENT**
- 5      **APOLOGIES**
- 6      **DECLARATIONS OF INTEREST**
- 7      **PUBLIC QUESTION TIME**

No Public Question Time

## 8 OUR CIVIC LEADERSHIP

### 8.1 COUNCILLOR OATH OR AFFIRMATION

**Document ID:** 590287

**Author:** Executive Assistant

**Authoriser:** General Manager

**Theme:** Our Civic Leadership

**Attachments:** Nil

#### RECOMMENDATION

That:

1. Each Councillor in turn takes an oath or makes an affirmation of office before the General Manager in the prescribed form at this meeting.
2. A record be kept of the taking of an oath or the making of an affirmation.

#### PURPOSE

The purpose of this report is to advise Council of the process for taking the oath or affirmation of office and to provide an opportunity for that to occur.

#### SUMMARY

A Councillor must take an oath of office or make an affirmation of office at, or before, the first meeting of the Council after the Councillor is elected.

The oath or affirmation may be taken or made before the General Manager of the Council, an Australian legal practitioner, or a justice of the peace and is to be in the prescribed form.

#### RECORD OF OATH/AFFIRMATION

Each Councillor in turn is to take an oath or make an affirmation of office before the General Manager in the prescribed form at this meeting.

#### RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

##### Theme

Our Civic Leadership

##### Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

##### Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council



## ISSUES AND IMPLICATIONS

### Policy

- N/A

### Financial

- N/A

### Legal / Statutory

#### Section 233A Local Government Act

- A Councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with Section 223A is not entitled to attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected to the office or a meeting at which the Councillor takes the oath or makes the affirmation) until the Councillor has taken the oath or made the affirmation.
- Any absence of a Councillor from an ordinary meeting of the Council that the Councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the Council.
- Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a Councillor in the exercise of the Councillor's functions.
- The General Manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the Council meeting or otherwise).

### Community Engagement / Communication

- Advertising of the Extraordinary Meeting of Council has been placed in the local newspaper, on Council's website and Facebook page.

## OPTIONS

Each Councillor can choose to say the Oath or the Affirmation using the words below as set out in the Local Government Act.

- **The Oath**

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of Narrandera Shire and the Narrandera Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

- **The Affirmation**

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Narrandera Shire and the Narrandera Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

For abundant clarity, Section 232 of the Local Government Act describes the role of a Councillor as...

### **232 The role of a councillor**

(1) The role of a councillor is as follows—

- (a) to be an active and contributing member of the governing body,
  - (b) to make considered and well-informed decisions as a member of the governing body,
  - (c) to participate in the development of the integrated planning and reporting framework,
  - (d) to represent the collective interests of residents, ratepayers and the local community,
  - (e) to facilitate communication between the local community and the governing body,
  - (f) to uphold and represent accurately the policies and decisions of the governing body,
  - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

### **RECOMMENDATION**

That:

1. Each Councillor in turn takes an oath or makes an affirmation of office before the General Manager in the prescribed form at this meeting.
2. A record be kept of the taking of an oath or the making of an affirmation.

## 8.2 ELECTION OF MAYOR 2022

**Document ID:** 590411  
**Author:** Executive Assistant  
**Authoriser:** General Manager  
**Theme:** Our Civic Leadership  
**Attachments:** Nil

### RECOMMENDATION

That:

1. The election of Mayor be held for a term ending in September 2023.
2. Council chooses the method of voting, either Ordinary Ballot, Preferential Ballot, or by Open Voting.
3. The election be held in accordance with Schedule 7 Local Government (General) Regulation 2021.

### PURPOSE

The purpose of this report is to advise Council of the requirements and due process to elect the Mayor from amongst the Councillors.

### SUMMARY

Normally the Local Government Act requires a Mayor elected by Councillors to be elected for a two-year term. Due to the postponement of 2020 Local Government Elections until December 2021, the term for this election will be shortened until September 2023.

The election is to be undertaken in accordance with the requirements of the Local Government Act, 1993 (LGA) and Local Government (General) Regulation 2021

Completed nomination forms are required to be lodged with the General Manager prior to or at the 5 January 2021 Extraordinary Meeting.

### OPTIONS AND PROPOSAL

Schedule 7 of the Local Government (General) Regulation 2021 outlines the voting process, and this is provided below.

#### 1 Returning officer

The General Manager (or a person appointed by the General Manager) is the returning officer.

#### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.

- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

### **3 Election**

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:
  - “*ballot*” has its normal meaning of secret ballot.
  - “*open voting*” means voting by a show of hands or similar means.

### **Part 2 Ordinary Ballot or Open Voting**

#### **4 Application of Part**

This Part applies if the election proceeds by ordinary ballot or by open voting.

#### **5 Marking of ballot-papers**

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### **6 Count—2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

#### **7 Count—3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates remain, the procedure set out in sub-clause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under sub-clause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### **Part 3 Preferential Ballot**

#### **8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

## 9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

## 10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

## 11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

## Part 4 General

### 12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed, and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

### 13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government New South Wales.

**RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES****Theme**

Our Civic Leadership

**Strategy**

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

**Action**

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

**ISSUES AND IMPLICATIONS****Policy**

- Mayoral delegations are dealt with in a separate report to this meeting.

**Financial**

- Fees payable to Mayor and Councillors are determined annually by the remuneration tribunal and allowed for in Council's annual budget

**Legal / Statutory**

Sections 225 to 230, 290 and 295 of the NSW Local Government Act, 1993 and Section 394 and Schedule 7 of the Local Government (General) Regulation 2021

- Section 226 of the LGA outlines the role of the Mayor.  
The role of the mayor is as follows: -
  - (a) to be the leader of the council and a leader in the local community,
  - (b) to advance community cohesion and promote civic awareness,
  - (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
  - (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
  - (e) to preside at meetings of the council,
  - (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
  - (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
  - (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
  - (i) to promote partnerships between the council and key stakeholders,
  - (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,

- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

### **Community Engagement / Communication**

- Public advertising of the mayoral elections provided in the local newspaper, on Council's website and Facebook page.

### **RECOMMENDATION**

That:

1. The election of Mayor be held for a term ending in September 2023.
2. Council chooses the method of voting, either Ordinary Ballot, Preferential Ballot, or by Open Voting.
3. The election be held in accordance with Schedule 7 Local Government (General) Regulation 2021.

### 8.3 ELECTION OF DEPUTY MAYOR 2022

**Document ID:** 590571  
**Author:** Executive Assistant  
**Authoriser:** General Manager  
**Theme:** Our Civic Leadership  
**Attachments:** Nil

#### RECOMMENDATION

That Council:

1. Determines that it will elect a Deputy Mayor for a term the same as the Mayoral term.
2. Chooses the method of voting, either Ordinary Ballot, Preferential Ballot, or by Open Voting.
3. Conducts the election in accordance with Schedule 7 Local Government (General) Regulation 2021.

#### PURPOSE

The purpose of this report is to advise Council of the requirements and due process to elect the Deputy Mayor from amongst the Councillors.

#### SUMMARY

Councils may determine to elect a Deputy Mayor.

If Council elects a Deputy Mayor, it is proposed that the term reflects the term of the Mayor. The election is to take place immediately following the election of the Mayor.

The same voting options are provided for the election of the Deputy Mayor as are available for the Mayor (Section 394 and Schedule 7 of the Local Government (General) Regulation).

Completed nomination forms are required to be lodged with the General Manager prior to or at the 5 January 2021 Extraordinary Meeting.

The General Manager will be the Returning Officer and will conduct the election.

#### OPTIONS AND PROPOSAL

The options for the Deputy Mayor role are:

1. No Deputy Mayor is elected for Narrandera Shire Council.
2. A Deputy Mayor is elected for one year, the same term as the Mayor.

#### RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

#### Theme

Our Civic Leadership



**Strategy**

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

**Action**

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

**ISSUES AND IMPLICATIONS****Policy**

- N/A

**Financial**

- The Mayor may choose to provide additional payment of allowances to the Deputy Mayor. Fees payable to Mayor and Councillors are determined annually by the remuneration tribunal and allowed for in Council's Annual Budget

**Legal / Statutory**

Section 231 of the Local Government Act says:

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

**Community Engagement / Communication**

- Public advertising of the Mayor and Deputy Mayor elections provided in the local newspaper, on council's web site and Facebook

**RISKS**

If the election is not resolved at the 5 January Extraordinary meeting, there will be no Deputy Mayor for Narrandera Shire until a later date.

**RECOMMENDATION**

That Council:

1. Determines that it will elect a Deputy Mayor for a term the same as the Mayoral term.
2. Chooses the method of voting, either Ordinary Ballot, Preferential Ballot, or by Open Voting.
3. Conducts the election in accordance with Schedule 7 Local Government (General) Regulation 2021.

## 8.4 DELEGATIONS TO THE MAYOR

**Document ID:** 585070

**Author:** General Manager

**Authoriser:** General Manager

**Theme:** Our Civic Leadership

**Attachments:** 1. [DRAFT Mayor - Delegation of Authority](#) [↓](#)

### RECOMMENDATION

That Council:

1. In accordance with Section 377 of the NSW Local Government Act, 1993, approves the Delegations for the Mayor as contained in Attachment 1 – Draft Mayor Delegation of Authority.

### PURPOSE

The purpose of this report is to seek Council endorsement of the Mayoral delegations.

### SUMMARY

Following the local government election and the election of the Mayor at this meeting it is necessary for Council to adopt fresh delegations for the Mayor.

### BACKGROUND

The Local Government Act makes specific provisions regarding the role of the Mayor. In addition, the Mayor has a role in representing the Council, speaking to the media, acting in emergencies to approve expenditures, and the appointment of acting General Managers that should be exercised between meetings.

### RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

#### Theme

Our Civic Leadership

#### Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

#### Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

**ISSUES AND IMPLICATIONS****Policy**

- The delegations to the Mayor is limited to acting in accordance with adopted Council policy.

**Financial**

- The delegation has a financial limit of \$2000

**Legal / Statutory**

- Sec 226 of the Local Government Act 1993 describes the role of the Mayor in the following terms:
  - (a) to be the leader of the council and a leader in the local community,
  - (b) to advance community cohesion and promote civic awareness,
  - (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
  - (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
  - (e) to preside at meetings of the council,
  - (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
  - (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
  - (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
  - (i) to promote partnerships between the council and key stakeholders,
  - (j) to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the council,
  - (k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
  - (l) to carry out the civic and ceremonial functions of the mayoral office,
  - (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
  - (n) in consultation with the councillors, to lead performance appraisals of the General Manager,
  - (o) to exercise any other functions of the council that the council determines.

**Community Engagement / Communication**

- N/A

**Human Resources / Industrial Relations (if applicable)**

- N/A

**RISKS**

The risk is that the Mayor of the day is expected to act on a situation and cannot do so without these delegations.

**OPTIONS**

1. Council endorses the adoption of these delegations, or
2. Council approves some other form of delegation.

**CONCLUSION**

It is essential that the Mayor can carry on the business of the Council between meetings should the situation arise. The adoption of these delegations will facilitate good governance.

**RECOMMENDATION**

That Council:

1. In accordance with Section 377 of the NSW Local Government Act, 1993, approves the Delegations for the Mayor as contained in Attachment 1 – Draft Mayor Delegation of Authority.

**DELEGATION OF AUTHORITY**

SECTION 377, LOCAL GOVERNMENT ACT, 1993

**MAYOR****INTERPRETATION OF DELEGATIONS**

- a. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- b. The instrument recognises that certain functions are conferred on the Mayor under Sec 226 of the Local Government Act 1993, including to be the leader of the Council and in the local community.
- c. References to the decisions of Council are references to decisions made by Council from time to time.
- d. References to policies of the Council are references to policies adopted by Council from time to time.
- e. These delegations are not intended to limit the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Mayor under the Local Government Act 1993.

**DELEGATIONS**

Council hereby delegates to the position of **Mayor**, on an ongoing basis the functions listed below in Schedule 1 subject to the powers, authorities, duties and functions of Council, that are:

1. Reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993.
2. Which are required by any legislation or instrument to be performed by the Council.
3. Delegated to the General Manager from time to time.
4. Subject to the limitations set out in Schedule 2 below.

Which powers, authorities, duties and functions are to be exercised in a manner consistent with Council's policies and decisions applicable from time-to-time.

**SCHEDULE 1****Policy and Procedure**

5. To carry out any function conferred on and duty imposed on the Mayor under any Act or regulation. If, under any other Act other than the Local Government Act 1993, a function is conferred or imposed on the Mayor of Council, the function is

**DELEGATION OF AUTHORITY  
SECTION 377, LOCAL GOVERNMENT ACT, 1993****MAYOR**

taken to be conferred or imposed on the Council and the Mayor of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.

6. To give effect to the Law, Council's adopted policies, resolutions, and directions, provided that such delegation is not sub-delegated without the specific approval of Council or as prescribed under the Local Government Act.
7. To request the General Manager to include items on the agendas for all meetings of Council and its committees respecting always any resolutions passed by Council in relation to those matters.
8. To determine who should represent Council on external organisations where Council has not determined a representative or where that representative is unavailable.
9. To sign correspondence and other documents.
10. To respond to media publicity on Council matters and to issue media releases and make statement to the media on behalf of Council in accordance with Council's media and public relations policies.
11. To refer to the General Manager any matter which is considered in need of investigation and reporting.

**Personnel Matters**

12. To approve leave arrangements of the General Manager.
13. To appoint a suitable person to the position of Acting General Manager in the event that the General Manager is absent or on leave.
14. To manage the performance review of the General Manager and where necessary engage suitable external advice to assist.
15. To accept the resignation of the General Manager and to appoint an acting General Manager where necessary.

**Civic**

16. To represent the Council, in conjunction with the General Manager, in deputations to government, inquires and other forums where it is appropriate that the Mayor should present the Council's position.
17. To preside at all meetings of the Council, Committees, Community Committees and Public Meetings convened by the Council at which the Mayor is present unless the Mayor otherwise appoints another Councillor or person to perform this function.
18. To approve and facilitate civic events.

**DELEGATION OF AUTHORITY  
SECTION 377, LOCAL GOVERNMENT ACT, 1993**

**MAYOR**

**Operational**

- 19. To authorise payments for goods, services and contracts within approved budget limits and in accordance with Council’s policies including authorising payments under the Mayor and General Manager donations fund and including the use of a Council credit card. (\$2,000 limit).

**SCHEDULE 2 (Limitations)**

- 1. The **Mayor** shall exercise the functions herein delegated in accordance with and subject to:
  - a. The provisions and limitations expressly set out in Section 377(1) the Local Government Act 1993, as amended and any other legislation relevant to the delegations;
  - b. The limitation that execution of any documents under Council Seal must be carried out in compliance with Local Government Act 1993 and Local Government (General) Regulation 2021;
  - c. The Mayor shall exercise the functions herein delegated in accordance with and subject to all and every policy and code of the Council adopted by resolution and current at the time of the exercise of the functions herein delegated;
  - d. Subject to the oversight and ultimate authority of Council.

All previous delegations of functions the subject of this Instrument of Delegation are revoked.

**END OF DELEGATION**

**Adopted 5 January 2022 - Extraordinary Meeting of Council - Minute /2022**

.....  
**Mayor**

.....  
**Date**



## 8.5 DELEGATIONS TO THE GENERAL MANAGER

**Document ID:** 590666

**Author:** General Manager

**Authoriser:** General Manager

**Theme:** Our Civic Leadership

**Attachments:** 1. **DRAFT General Manager - Delegation of Authority** [↓](#)

### RECOMMENDATION

That Council:

1. In accordance with Section 377 of the NSW Local Government Act, 1993 approves the Delegations for the General Manager, as contained in Attachment 1 – Instrument of Delegation,
2. Notes that in accordance with Section 378 of the NSW Local Government Act, 1993 the General Manager will subdelegate delegations to approved staff for the purposes of those staff carrying out Council's day to day responsibilities,
3. Delegates its functions as Local Control Authority under Sec 375 Biosecurity Act 2015, to the following:
  - a. Biosecurity Officer positions,
  - b. Manager Open Space and Recreation; and
  - c. All positions senior in the relevant Department, the Deputy General Manager Infrastructure and General Manager.

### PURPOSE

The purpose of this report is to review the delegations following the election of a new Council.

### SUMMARY

The Local Government Act 1993 provides Council with powers, authorities and duties. It is the primary source of Council's responsibilities although other legislation, such as the Environmental Planning and Assessment Act 1979, the Roads Act 1993, and the Biosecurity Act 2015 impose further functions for Council to administer. In all there are dozens of pieces of legislation that impose obligations on councils.

Due to the nature, scope and complexity of the functions Council has to perform, the Local Government Act makes provision for the Council to delegate functions to the General Manager, who may subdelegate those functions on to other staff, to facilitate practical and timely implementation and the smooth workings of the Council.

This report is submitted for endorsement of delegations to the General Manager as required by Section 377 of the New South Wales Local Government Act, 1993 (LGA) and Section 375 of the Biosecurity Act 2015.

### BACKGROUND

Delegations are Council's authorisation for individuals, such as the Mayor, General Manager, or bodies, such as Section 355 Committees, to act on behalf of the Council.

Council must review the delegations it applies to other parties within 12 months of a new Council being elected. This report is presented to the first meeting of the newly elected Council to allow continued operation of the organisation.

## **RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES**

### **Theme**

Our Civic Leadership

### **Goal**

To have a Council that demonstrates effective management consistently

### **Strategy**

72 - Be accountable and transparent

### **Action**

72.1 - Adopt good governance and ethical behaviours

## **ISSUES AND IMPLICATIONS**

### **Policy**

- The General Manager is the only staff position to which the Council can delegate powers. The General Manager can then formally subdelegate powers to other staff. The delegations for the Deputy General Managers are broad, and delegations decrease for staff with lower levels of responsibility. All staff are advised of their delegations and they are published in Council's delegations register. Staff delegations are subject to ongoing review. The delegations for the General Manager were last reviewed in September 2017.
- The format of the delegation to the General Manager attached to this report and submitted for adoption has been changed in line with general industry practice to take the form of an exception report, rather than attempting to include in great detail lists of the various powers from all the pieces of legislation relevant to Council's operations. This helps to address the risk of an unauthorised action being taken.

### **Financial**

- Some of the delegations related to finances including expenditure limits. This also applies to the delegations provided to staff.

### **Legal / Statutory**

- The Local Government Act, 1993 stipulates which powers must be made by the Council and which issues can be delegated to the General Manager. Details of the relevant sections of the Act are reproduced below.
- A Council may by resolution delegate to the General Manager or any other person or body, except for another employee of the Council, any Council function other than those specified as listed in Section 377 of the Local Government Act, 1993.

**Community Engagement / Communication**

- Nil

**Human Resources / Industrial Relations (if applicable)**

- The General Manager is to ensure all staff with decision-making power have a clear set of delegations so they can act within approved boundaries. These can relate to financial, staff, governance, and operational decisions.

**RISKS**

Council should consider its role, and that of the General Manager when determining the delegations.

The relevant sections of the Local Government Act are detailed below.

**Section 223 Role of governing body**

- (1) The role of the governing body is as follows:
  - (a) to direct and control the affairs of the council in accordance with this Act,
  - (b) to provide effective civic leadership to the local community,
  - (c) to ensure as far as possible the financial sustainability of the council,
  - (d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,
  - (e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
  - (f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
  - (g) to keep under review the performance of the council, including service delivery,
  - (h) to make decisions necessary for the proper exercise of the council's regulatory functions,
  - (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
  - (j) to determine the senior staff positions within the organisation structure of the council,
  - (k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
  - (l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.
- (2) The governing body is to consult with the general manager in directing and controlling the affairs of the council.

**Section 226 Role of Mayor**

The role of the Mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,

- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

### **Section 232 The role of a Councillor**

- (1) The role of a Councillor is as follows:
  - (a) to be an active and contributing member of the governing body,
  - (b) to make considered and well informed decisions as a member of the governing body,
  - (c) to participate in the development of the integrated planning and reporting framework,
  - (d) to represent the collective interests of residents, ratepayers and the local community,
  - (e) to facilitate communication between the local community and the governing body,
  - (f) to uphold and represent accurately the policies and decisions of the governing body,
  - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

### **Section 335 Functions of General Manager**

The General Manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,

- (f) to ensure that the Mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

### **Section 377 General power of the council to delegate**

- (1) A council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
  - (a) the appointment of a general manager,
  - (b) the making of a rate,
  - (c) a determination under section 549 as to the levying of a rate,
  - (d) the making of a charge,
  - (e) the fixing of a fee,
  - (f) the borrowing of money,
  - (g) the voting of money for expenditure on its works, services or operations,
  - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
  - (j) the adoption of an operational plan under section 405,
  - (k) the adoption of a financial statement included in an annual financial report,
  - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
  - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
  - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
  - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
  - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
  - (t) this power of delegation,
  - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
- (a) the financial assistance is part of a specified program, and
  - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

### **Section 378 Delegations by the General Manager**

- (1) The General Manager may delegate any of the functions of the General Manager, other than this power of delegation.
- (2) The General Manager may sub-delegate a function delegated to the General Manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the General Manager by the council under section 377 (2).

### **Section 379 Delegation of regulatory functions**

- (1) A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
  - (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or
  - (b) an employee of the council, or
  - (c) a county council.
- (2) A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
  - (a) a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or
  - (b) an employee of the county council, or
  - (c) a council.
- (3) However, if:
  - (a) a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the General Manager to an employee of the county council, or
  - (b) a regulatory function is delegated to a council; the function may be delegated to the general manager and by the general manager to an employee of the council.

### **Section 380 Review of delegations**

Each council must review all its delegations during the first 12 months of each term of office.

### **Section 381 Exercise of functions conferred or imposed on council employees under other Acts**

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the Mayor or a Councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.
- (2) Such a function may be delegated by the council in accordance with this Part.
- (3) A person must not, under any other Act, delegate a function to:
  - the general manager, except with the approval of the council
  - an employee of the council, except with the approval of the council and the general manager.

The Biosecurity Act 2015 is one such act and this report recommends that Council delegate its functions under that act to the relevant officers involved in its administration.

### **Development Application Approvals**

The recommended delegations, which have been in place for many years, delegate development application approvals to the General Manager (who may then subdelegate), where applicable by law. It is highlighted though that the Instrument of Delegation includes safeguards that outline circumstances where the delegation may not be used.

### **OPTIONS**

1. Approve the Delegations as provided in Attachment 1.
2. Approve the Delegations as provided in Attachment 1 but with specified changes, considering each party's statutory role.

### **CONCLUSION**

The attached delegations to the position of General Manager are described and detailed in the instrument. This form of delegation grants the General Manager the exercise of Council's powers, functions, duties and authorities under the Act, its Regulations and cognate legislation, subject to certain limitations and specifies compliance with the General Manager's duties.

The delegations provide for the General Manager to subdelegate to staff under Section 378 of the Local Government Act 1993, as circumstances require.

It is important to note that Council can only delegate to the General Manager (with the exception of the Biosecurity Act 2015), who is then responsible as to how delegations are provided to other staff.

With regards to the Biosecurity Act 2015, it is proposed that Council delegate its functions as Local Control Authority under that act to the following:

1. Biosecurity Officer positions
2. Manager Open Space and Recreation; and
3. All positions senior in the relevant Department, the Deputy General Manager Infrastructure and General Manager.

**RECOMMENDATION**

That Council:

1. In accordance with Section 377 of the NSW Local Government Act, 1993 approves the Delegations for the General Manager, as contained in Attachment 1 – Instrument of Delegation,
2. Notes that in accordance with Section 378 of the NSW Local Government Act, 1993 the General Manager will subdelegate delegations to approved staff for the purposes of those staff carrying out Council's day to day responsibilities,
3. Delegates its functions as Local Control Authority under Sec 375 Biosecurity Act 2015, to the following:
  - a. Biosecurity Officer positions,
  - b. Manager Open Space and Recreation; and
  - c. All positions senior in the relevant Department, the Deputy General Manager Infrastructure and General Manager.



**DELEGATION OF AUTHORITY**  
**SECTION 377, LOCAL GOVERNMENT ACT, 1993**



**GENERAL MANAGER**

**INTERPRETATION OF DELEGATIONS**

- a. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- b. The instrument recognises that certain functions are conferred on the General Manager under sec 335 of the Local Government Act 1993, including the day-to-day management of Council.
- c. References to the decisions of Council are references to decisions made by Council from time to time.
- d. References to policies of the Council are references to policies adopted by Council from time to time.
- e. These delegations are not intended to limit the General Managers ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the General Manager under the Local Government Act 1993.

**DELEGATIONS**

Council hereby delegates to the position of General Manager on an ongoing basis its functions, under the Local Government Act 1993 and any other Acts and regulations.

Subject to the powers, authorities, duties and functions of Council, that are:

1. Reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993.
2. Which are required by any legislation or instrument to be performed by Council.
3. Delegated to the Mayor by Council from time to time.
4. Reserved by Council as set out in Schedule 1 below (Council reserved functions).

Which powers, authorities, duties and functions are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time:

**DELEGATION OF AUTHORITY  
SECTION 378, LOCAL GOVERNMENT ACT, 1993****GENERAL MANAGER**

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**SCHEDULE 1****Council Reserved Functions (Not to be exercised by the GM)****Policy and Procedure**

5. The power to make or amend Council policy.
6. Approving the use of affixing of the Common Seal of the Council.
7. The release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited.
8. The exercise of functions in a manner not consistent with the policies and decisions of Council or reasonable and lawful direction of the Mayor.

**Finance and Resource Allocation**

9. Approving Councils Operational Plan and Budget.
10. The approval of concept designs for major capital works (projects exceeding \$2m).
11. Variation of major projects exceeding an amount of 10% above the approved budget.
12. The awarding of contracts for any tender called pursuant to Section 55 (1) of the Local Government Act 1993 where the value is greater than \$500,000.
13. Determination of applications for donations to charities, cultural and other organisations which is contrary to a resolution of Council or policy approved by Council.
14. Writing off bad debts, for amounts greater than \$5,000 (excluding GST)

**Organisational Structure and Personnel Matters**

15. The approval of the organisation structure at Deputy General Manager level, except for transitional or temporary arrangements.
16. The appointment to Senior Staff contract positions unless prior consultation with Council has occurred.
17. Entering into any significant enterprise agreement except after consultation with Council.

**Council Operations and Services**

18. Carrying out new non-core services not already approved by Council.
19. Setting or altering the Schedule of Fees and Charges which are not within the relevant categories as determined within the Revenue Policy of Council's Operational Plan.

**DELEGATION OF AUTHORITY  
SECTION 378, LOCAL GOVERNMENT ACT, 1993****GENERAL MANAGER**

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**Legal Proceedings**

20. The giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme Court or Federal Courts except in relation to urgent injunction proceedings and after consultation with the Mayor.
21. The giving of instructions in legal proceedings contrary to a resolution of Council except in planning or regulatory appeals where instructions can be given to resolve an appeal.

**Property, Land Use and Related Matters**

22. Granting of approvals to occupy and use public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council except approvals up to a max fee or rental not exceeding \$10,000 or approvals relating to the temporary use of land and or facilities.
23. Adoption of a plan of management for community land.
24. Granting of owner's consent to the lodgement of an application to carry out development on significant property or land (including roads) owned or managed by Council unless the application accords with Councils adopted strategies.

**Cultural**

25. The development or formation of relationships with other cities, including sister city agreements.
26. The approval of civic and ceremonial events.
27. The granting of civic honours.

**Planning and Development**

28. Determination of applications for development consent under the Environmental Planning and Assessment Act 1979 involving the erection of a building of more than two storeys.
29. Determination of applications for development consent under the Environmental Planning and Assessment Act 1979 where a request is made by the Mayor for the development application to be the subject of a report to Council.
30. Determination of applications for approval to demolish a heritage item but this does not prevent determination of application for works modifying a heritage item in accordance with a development consent.
31. Determination of applications for consent or approval which involve a variation under the Local Government Act 1993 of a prescribed standard or a Council policy.
32. Determination of applications for development consent where:
  - a. The delegate considers determination inappropriate because the application is likely to be of a special interest or concern to the Council; or

**DELEGATION OF AUTHORITY  
SECTION 378, LOCAL GOVERNMENT ACT, 1993**

**GENERAL MANAGER**

- b. The application conflicts with or involves a major departure from the requirements of a DCP; or
- c. The objections lodged against the proposal are significant in number or in substance; or
- d. The application has significant Part 4 EP&A Act 1979 considerations, or
- e. The proposed development is of major significance, or
- f. Council, as the owner of an adjacent or nearby site, lodges an objection to the application.

All previous delegations of functions the subject of this Instrument of Delegation are revoked.

**END OF DELEGATION**

**Adopted 5 January 2022 - Extraordinary Meeting of Council - Minute /2022**

.....  
**General Manager**

.....  
**Date**

## 8.6 OPTION TO UNDERTAKE A COUNTBACK INSTEAD OF A BY-ELECTION TO FILL CASUAL VACANCIES

**Document ID:** 584668

**Author:** Deputy General Manager Corporate and Community

**Authoriser:** Deputy General Manager Corporate and Community

**Theme:** Our Civic Leadership

**Attachments:**

1. Local Government Act 1993 Section 291A Countback Elections [↓](#)
2. Local Government General Regulation 2021 Section 393C Countback Elections [↓](#)
3. Local Government General Regulation 2021 Schedule 9A Countback Elections [↓](#)

### RECOMMENDATION

Council resolves that:

1. Any casual vacancy occurring during the eighteen (18) months following 4 December 2021 is to be filled by a countback of votes cast at the last election for that office utilising the provisions of Section 291A of the Local Government Act, 1993.
2. Should Council resolve (1) the General Manager is to notify the election manager of the ordinary election (NSW Electoral Commissioner) within seven (7) days of the resolution that a countback election is to be used to fill a casual vacancy.

### PURPOSE

The purpose of this report is to advise Council of the option to utilise a countback of votes from the Ordinary Election to fill any casual vacancy on Council within the first 18 months of its term.

### SUMMARY

Section 291A of the Local Government Act, 1993 (the Act) provides for a countback to be held instead of a by-election in certain circumstances. The countback provision is available for a period of eighteen (18) months following the date of an Ordinary election. However, to allow a countback, Council must resolve at its first meeting that any casual vacancy within the eighteen-month period is to be filled by a countback of votes cast at the last election for that office.

### BACKGROUND

By-elections are conducted in the same manner as an Ordinary election. This process is lengthy, up to three (3) months and expensive. The 2021 Ordinary election will cost Council in the vicinity of \$60,000. The full cost will be greater than this, as the State Government is absorbing much of the cost for the additional COVID provisions.

To mitigate the impacts of a by-election, the Act has the following provisions regarding the first and last eighteen (18) months of a Council term which spans four (4) years.

- Section 291A allows that in certain circumstances for the first eighteen (18) months following an Ordinary election a countback of votes may be used to fill a casual vacancy on Council.
- Section 294 deals with a casual vacancy in the last eighteen (18) months of a term and provides that upon application of the Council the Minister may order that the vacancy not be filled.

This Council elected in December 2021 will have a term of 32 months, concluding with the Ordinary election in September 2024. In a normal term of four (4) years, there is a twelve (12) month window in the middle of the term where a casual vacancy must be filled with a by-election. Should Council resolve to utilise the provision of Section 291A, a by-election in the current term would only be required if a countback fails to fill a casual vacancy as any vacancy after the first eighteen (18) months could remain unfilled until the next Ordinary election utilising Section 294.

Section 291A of the Act prescribes that a countback will be conducted in accordance with the Local Government (General) Regulation 2021 (the Regulations).

Within the Regulations Section 393C prescribes that the countback will be carried out in accordance with Schedule 9A of the Regulations.

Section 291A of the Act, Section 393C of the Regulations and Schedule 9A of the Regulations are attachments to this report.

The following is a brief summation of the operation of a countback under Schedule 9A.

- The General Manager advises the Electoral Commissioner of a casual vacancy and the Commissioner appoints a Returning Officer
- The countback date is set at a date not more than 49 days after the date of the casual vacancy occurring
- The Returning Officer publishes a notice of the countback and gives notice to each person the Returning Officer considers to be entitled to make application to participate in the countback
- At the close of applications, the Returning Officer will determine that those making application are “eligible candidates” and publish a list of those candidates
- The countback is conducted as a recount of the votes on the ballot papers used in the counting of votes at the original election
- For the purposes of the recount preferences for the vacating councillor, previously elected councillors and non-participating candidates are distributed to eligible candidates participating in the countback.
- Should the countback not result in the election of an eligible candidate the Returning Officer will declare that the countback has failed and a by-election will be conducted

## **RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES**

### **Theme**

Our Civic Leadership

**Strategy**

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

**Action**

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

**ISSUES AND IMPLICATIONS****Policy**

- N/A

**Financial**

- Utilisation of Section 291A of the Act allows a casual vacancy on Council to be filled by a countback rather than a by-election. The cost of a countback is significantly less than a by-election.

**Legal / Statutory**

- Section 291A of the Act provides the option to fill a casual vacancy by countback in the first eighteen (18) months of a Council term.

**Community Engagement / Communication**

- The Returning Officer is required by the Regulations to provide public notices in relation to the conduct of a countback.

**Human Resources / Industrial Relations**

- A countback will require fewer staff resources than a by-election.

**RISKS**

It is not certain that a countback will result in the election of an eligible candidate. Should the countback fail a by-election would be required to fill the casual vacancy.

**OPTIONS**

1. Council resolves that a casual vacancy in the first eighteen (18) months of its term be filled utilising the countback provisions of Section 291A of the Act
2. Council resolves not to implement the provisions of Section 291A of the Act requiring any casual vacancy prior to the last eighteen months of its term to be filled with a by-election.

**CONCLUSION**

Council resolves that a casual vacancy in the first eighteen (18) months of its term be filled utilising the countback provisions of Section 291A of the Act

**RECOMMENDATION**

Council resolves that:

1. Any casual vacancy occurring during the eighteen (18) months following 4 December 2021 is to be filled by a countback of votes cast at the last election for that office utilising the provisions of Section 291A of the Local Government Act, 1993.
2. Should Council resolve (1) the General Manager is to notify the election manager of the ordinary election (NSW Electoral Commissioner) within seven (7) days of the resolution that a countback election is to be used to fill a casual vacancy.





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### New South Wales Consolidated Acts

# LOCAL GOVERNMENT ACT 1993 - SECT 291A Countback to be held instead of by-election in certain circumstances

## LOCAL GOVERNMENT ACT 1993 - SECT 291A

### Countback to be held instead of by-election in certain circumstances

#### 291A COUNTBACK TO BE HELD INSTEAD OF BY-ELECTION IN CERTAIN CIRCUMSTANCES

- (1) This section applies to a casual vacancy in the office of a councillor if--
- (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
  - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected--
- (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or
- Note :** See [section 285](#) (Voting system for election of councillors).
- (b) in an election without a poll being required to be held.
- Note :** See [section 311](#) (Uncontested elections).
- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted--

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LOCAL GOVERNMENT ACT 1993 - SECT 291A Countback to be held instead of by-election in certain circumstances

(a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner--by a returning officer appointed by the Electoral Commissioner, or

(b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council--by a returning officer appointed by the electoral services provider.

(5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election--

(a) the returning officer must notify the general manager of the council concerned, and

(b) a by-election in accordance with this Part must be held to fill the casual vacancy.

(5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.

(6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.



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**New South Wales Consolidated Regulations**

## **LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - REG 393C Countback elections**

### **LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - REG 393C**

#### **Countback elections**

#### **393C COUNTBACK ELECTIONS**

- (1) A countback election referred to in section 291A of the Act is to be carried out in accordance with Schedule 9A.
- (2) For the purpose of section 291A of the Act, the prescribed day is 12 September 2020.
- (3) If a council resolves, at its first meeting following an ordinary election of councillors for the area, that a countback election is to be held to fill any casual vacancy that occurs within 18 months after the date of that ordinary election, the general manager is to notify the election manager of the ordinary election within 7 days of the resolution.



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**New South Wales Consolidated Regulations**

## **LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - SCHEDULE 9A**

### **LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - SCHEDULE 9A**

#### **SCHEDULE 9A – COUNTBACK ELECTIONS**

(Section 393C(1))

#### **Part 1 - Preliminary**

##### **1 DEFINITIONS**

In this Schedule--

**"ballot-paper"** includes a vote record.

**"close of applications"** --see [section 3\(3\)](#) of this Schedule.

**"eligible candidate"** , in a countback election, means a person who has been declared by the returning officer under [section 4\(a\)](#) of this Schedule to have duly applied to be a candidate in the countback election.

**"non-participating candidate"** means a person who was a candidate at the original election and is neither an eligible candidate nor a previously elected councillor.

**"original election"** , in relation to a vacancy, means the ordinary election of councillors in respect of which the vacancy has occurred at which the vacating councillor was elected or in a case where the vacating councillor was elected under this Schedule, the councillor who was the predecessor (whether immediate, intermediate, or original) of that councillor, was elected.

**"previously elected councillor"** means a person who--

- (a) was elected as a councillor at the original election, or
- (b) was declared elected as a councillor under this Schedule after the original election.

**"returning officer"** means the person conducting the countback election in accordance with section 291A(4) of the Act.

**"vacating councillor"** means the person whose departure created the casual vacancy (even if that person never became a councillor).

**Note :** If a candidate who is nominated for election to a civic office in respect of a ward or area dies after the day when the poll at a contested election closes, but before the declaration of the election, the candidate is a "vacating councillor" even if that person never became a councillor by operation of section 233(2)(a) of the Act.

## 2 NOTICE OF CASUAL VACANCY

**Note :** Section 285 of this Regulation requires the general manager of a council of the area to give notice of a casual vacancy to the Electoral Commissioner within 7 days of its occurrence.

(1A) After a casual vacancy occurs that is to be filled by a countback election, the general manager of the council concerned must, in relation to an election administered by an electoral services provider, give notice of the vacancy to the electoral services provider within 7 days.

(1) After a casual vacancy occurs that is to be filled by a countback election, the electoral services provider concerned (in relation to an election administered by an electoral services provider) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner) must--

(a) give notice of the vacancy to the returning officer who conducted the election at which the person whose departure created the casual vacancy was elected or, if it is not possible for the returning officer to conduct the countback election, the substitute returning officer at that earlier election, or

(b) if not possible for that returning officer or that substitute returning officer to conduct the countback election, appoint a returning officer in accordance with the Act.

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- (2) The notice under subsection (1) must be given or appointment made--
- (a) in relation to an election administered by an electoral services provider--within 14 days of the electoral services provider being notified of the casual vacancy under subsection (1A), or
  - (b) in relation to an election administered by the Electoral Commissioner--within 14 days of the Electoral Commissioner being notified of the casual vacancy under [section 285](#) of this Regulation.
- (3) Within 14 days of being given notice or being appointed, the returning officer who is to conduct the countback election must--
- (a) arrange for the publication of a notice of the casual vacancy as follows--
    - (i) in relation to an election administered by an electoral services provider--on both the council's website and the electoral services provider's website,
    - (ii) in relation to an election administered by the Electoral Commissioner--on the websites of the Electoral Commission and the relevant council, and
  - (b) give notice in accordance with this section to each person (at the person's last known address or by email to an email address specified by the person for the giving of notice of this kind) who, in the opinion of the returning officer, may be entitled to make an application under this Schedule in relation to the vacancy.
- (4) The notice under subsection (3) must--
- (a) declare that a casual vacancy in the office of a specified councillor exists that is to be filled by a countback election, and
  - (b) advise that a person may apply to be a candidate in accordance with this Schedule, and
  - (c) specify the date and time that applications close, and
  - (d) specify the date, time and place for the conduct of the countback election, and
  - (e) advise that an eligible candidate is entitled to appoint scrutineers for the countback election, and
  - (f) give the contact details of the returning officer.

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(5) The date for the conduct of the countback election must be the date which in the opinion of the returning officer is the earliest practicable date to conduct the countback election, but is--

(a) at least 14 days after the date of the publication of the notice of the relevant council's website, and

(b) not more than 49 days after the date of the casual vacancy occurring.

### 3 CANDIDATES FOR CASUAL VACANCY

(1) A person may apply to be a candidate in the countback election if the person--

(a) was a candidate at the original election, and

(b) did not withdraw the person's nomination from, and was not elected at, that election, and

(c) is still eligible to be elected as a councillor at the close of applications.

(1A) A person elected to the office of councillor or mayor at the original election, or at a countback election under this Schedule, who subsequently vacates the office by resignation or disqualification may not apply to be a candidate in a subsequent countback election.

(2) An application under this section is to be made in the way approved by the election manager and must contain--

(a) a statement by the applicant that he or she consents to be a councillor if elected, and

(b) a declaration that the applicant is still eligible to become a councillor.

(3) An application must be lodged with the returning officer before noon on the 10th day after the day on which public notice of the vacancy was given under this Schedule (the **"close of applications"** ).

(4) An applicant may withdraw his or her application by giving the returning officer written notice of withdrawal in the way approved by the election manager before applications close.

(5) An application or a withdrawal of an application under this section may be made by electronic means approved by the election manager.

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#### 4 PUBLICATION OF CANDIDATES' DETAILS

If one or more persons have applied to be a candidate in accordance with this Schedule, the returning officer must, as soon as practicable after the close of applications--

- (a) publicly produce all the applications and declare each person who has duly applied to be a candidate (the **"eligible candidates"** ), and
- (b) arrange for a notice containing particulars relating to each candidate to be published on the website of the relevant council.

#### 5 DETERMINATION OF CANDIDATE TO FILL CASUAL VACANCY

- (1) If there is only one eligible candidate in relation to a casual vacancy, the returning officer must declare the candidate elected.
- (2) If there are no candidates in relation to a casual vacancy--
  - (a) the returning officer is to declare that there are no candidates and inform the general manager of the relevant council accordingly, and
  - (b) the countback election fails.

**Note** : Section 291A(5)(b) of the Act provides that if a countback election fails a by-election must be held to fill the casual vacancy.

- (3) If there is more than one eligible candidate in relation to a casual vacancy, a countback election must be conducted in accordance with Part 2.

#### 6 FILLING OF MULTIPLE CASUAL VACANCIES

- (1) If there is more than one casual vacancy to be filled at any time, the casual vacancy that occurred first is to be filled first.
- (2) If, in the opinion of the returning officer, it is impossible to determine which vacancy occurred first, the vacating councillor who was elected first (either at the same election or in point of time) is deemed to have left office before the other vacating councillor or councillors.
- (3) If it is still not possible to determine which vacancy occurred first despite subsection (2), the returning officer must determine which casual vacancy is to be filled first by an approved method of random selection (including by electronic means).
- (5) The returning officer may comply with [section 5](#) of this Schedule in respect of a casual vacancy even while the returning officer or another returning officer



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is complying with that section in respect of another casual vacancy.

## Part 2 - Countback procedures

### 7 CASUAL VACANCY TO BE FILLED BY RECOUNT

(1) The countback election is to be conducted by a recount of the votes on the ballot-papers used in the counting of votes at the original election and the result is to be ascertained in accordance with Schedule 5.

(2) On the recount under subsection (1) a preference indicated on a ballot-paper for a previously elected councillor whose seat has become vacant is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.

(3) If on the recount under subsection (1) a non-participating candidate is elected that election has no effect and the returning officer is to terminate that recount and repeat the procedure of recounting the votes on the ballot-papers until an eligible candidate is elected.

(4) On a recount under subsection (3) a preference indicated on a ballot-paper for--

(a) a previously elected councillor whose seat has become vacant,  
or

(b) a non-participating candidate who has been elected on the  
recount under subsection (1) or on a previous recount under  
subsection (3),

is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.

(4A) If, on any recount under this Schedule, more than one candidate would be elected, the following applies instead--

(a) only one candidate is taken to be elected, being the candidate  
who has the highest number of votes,

(b) if 2 or more candidates have an equal number of votes--

(i) if the number of votes at the last count or transfer  
was unequal--the candidate who had the highest  
number of votes at the last count or transfer at which  
the candidates had an unequal number of votes is  
taken to be elected, or

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(ii) otherwise--the elected candidate is to be determined by a method of random selection, including by electronic means, approved by the election manager.

(5) A recount under this Schedule does not affect the election of a previously elected councillor and where a previously elected councillor is elected or excluded during a recount that election or exclusion has effect for the purposes of the continuation of the recount and for those purposes only.

(6) If no recount under subsection (1) or (3) results in the election of an eligible candidate--

(a) the returning officer is to declare that the countback election has failed, and

(b) inform the general manager of the relevant council accordingly.

**Note** : Section 291A(5)(b) of the Act provides that if a countback election fails a by-election must be held to fill the casual vacancy.

## 8 DECLARATION OF RESULT

(1) As soon as possible after the conclusion of the countback election, the returning officer must--

(a) inform the persons present of the result, and

(b) immediately notify the election manager of the result, and

(c) inform the participating eligible candidates (in person, in writing, by facsimile, by telephone, by email, by text message or in any other way) as soon as practicable after the result is ascertained--

(i) of the result of the countback, and

(ii) when the returning officer's declaration under this section will be available for inspection at the office of the relevant council, and

(iii) that the information contained in a notice under subsection (5) is to be published on the election manager's website for at least one month.

**Note** : [Section 353](#) (Recount) of this Regulation does not apply to a countback election.

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(2) The election manager is to approve of the returning officer's declaring of the countback election in writing as soon as practicable after the notification of the result.

(3) The declaration is to be signed by the returning officer and is to state the number of votes recorded for each candidate and the names of the candidate declared elected.

(4) After the election is declared--

(a) the election manager must deliver or send a copy of the written declaration to--

(i) the Secretary, and

(ii) the Chief Executive Officer of Local Government NSW, and

(iii) the relevant general manager, and

(iv) for an election administered by an electoral services provider--the Electoral Commissioner, and

(b) the general manager of the council must display the written declaration in a conspicuous position at the office of the relevant council.

(5) The election manager must cause the information in the declaration to be published on the election manager's website for at least one month.

## 10 APPLICATION OF OTHER PROVISIONS

(1) The following provisions of this Regulation apply to a countback election with all necessary modifications--

(a) [section 337](#) (Scrutineers),

(a1) [section 346](#) (Persons present at scrutiny and count),

(b) [section 365](#) (Obstruction of election officials),

(c) [section 368](#) (Persons present in polling place),

(d) [section 369](#) (Misconduct by scrutineers),

(e) [section 370](#) (Misconduct at polling place or pre-poll voting office).

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**Note :** Section 329 (Can the holder of a civic office be dismissed?) of the Act applies to a person holding civic office who has been elected at a countback election.

(2) For the avoidance of doubt, sections 353 (Recount), 354 (Who pays for the recount?) and 355 (Result of recount) of this Regulation do not apply to a countback election.

### **Part 3 - Miscellaneous**

#### **11 COSTS**

Expenses incurred by the election manager in connection with a countback election are to be met by the council.

## 8.7 ORGANISATION STRUCTURE

**Document ID:** 590716  
**Author:** General Manager  
**Authoriser:** General Manager  
**Theme:** Our Civic Leadership  
**Attachments:** Nil

### RECOMMENDATION

That Council:

1. Redetermines the Organisation Structure as it is presently formatted.

### PURPOSE

The purpose of this report is to allow Council to consider and redetermine the organisation structure as required by the provisions of the Local Government Act 1993.

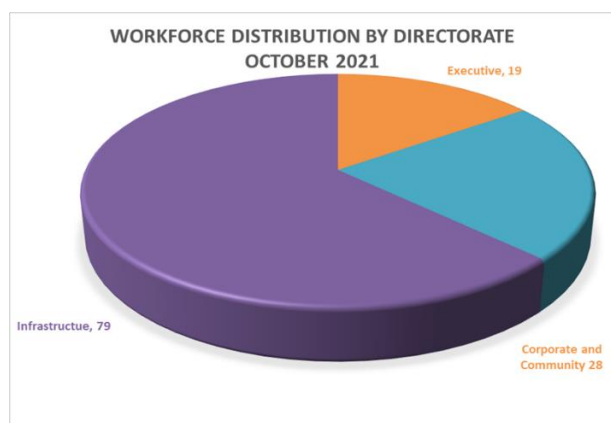
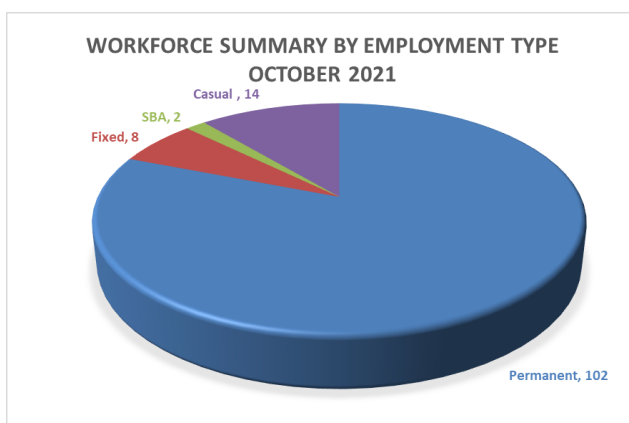
### SUMMARY

Chapter 11 of the Local Government Act 1993 deals with the establishment of the Council organisation and requires the Council to determine an organisation structure. It then requires the Council to redetermine that structure within 12 months following each election.

This report recommends the confirmation by Council of the existing structure, thereby providing stability to the current compliment of staff.

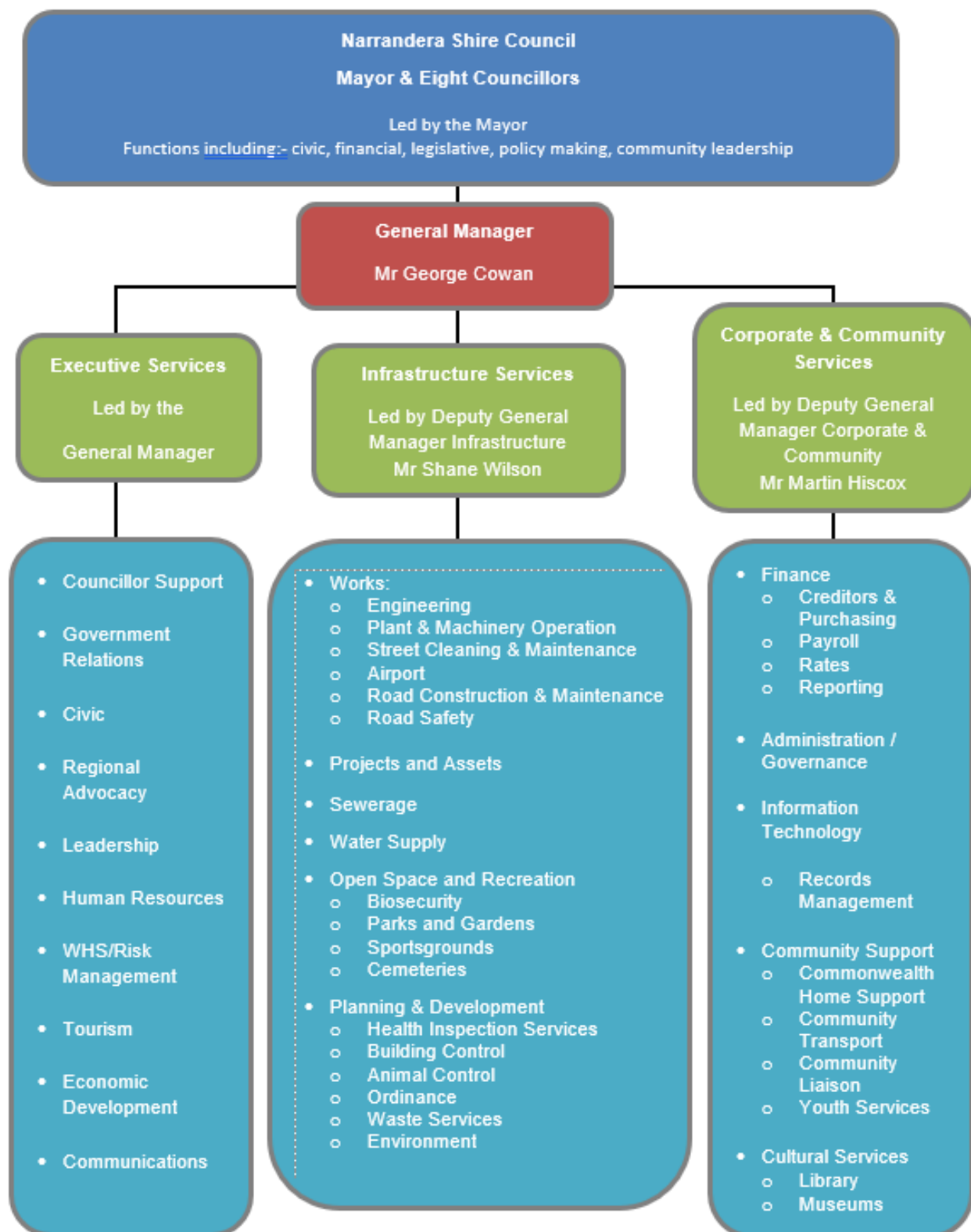
### BACKGROUND

This structure has been in place since 2015 and is serving the Council well. Staffing details are shown in the following diagrams.



(Fixed Term, School Based Apprentices (SBA),  
Casual, Permanent)

Narrandera Shire Council is presently structured as follows:



**RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES****Theme**

Our Civic Leadership

**Strategy**

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

**Action**

5.1.2 - A highly skilled and motivated workforce

**ISSUES AND IMPLICATIONS****Policy**

- Councils' primary strategic documents include the Community Strategic Plan (CSP), Delivery Program and Annual Operational Plans.
- The CSP and Delivery Plans are subject to review now and will form an important part of the agenda for the new Council moving forward. The existing structure is designed to deliver the objectives of the current plans and can be reviewed following the adoption of fresh plans effective in July 2022.

**Financial**

- The Annual Operational Plan is currently designed to facilitate the work of the organisation for 2021/2022 and is based on the current organisation structure.

**Legal / Statutory**

- Outlined above.

**Community Engagement / Communication**

- The community has been engaged in consultations over the review of the CSP and those results will be coming back to Council over the next few months.

**Human Resources / Industrial Relations**

- The endorsement of the current organisation structure will add stability to the staff structure and is critical to the ongoing performance of the organisation.

**RISKS**

The most important issue for the continued high performance of the organisation is retaining talented staff in key positions. There is always a level of volatility around professional staff in the industry and the adopted program of works for the next period is very challenging.

**OPTIONS**

1. Redetermine the organisation structure as it presently exists, which is the recommendation.

2. Consider and adopt a revised organisation structure, in which event Council would need to provide direction on resourcing.

## **CONCLUSION**

Chapter 11 of the Local Government Act 1993 deals with the establishment of the council organisation and requires the Council to determine an organisation structure and then to redetermine that structure within 12 months following each election.

This report recommends the confirmation by Council of the existing structure, thereby providing stability to the current complement of staff.

## **RECOMMENDATION**

That Council:

1. Redetermines the Organisation Structure as it is presently formatted.



**8.8 POLICY REVIEW - COUNCILLOR EXPENSES & FACILITIES****Document ID:** 590731**Author:** General Manager**Authoriser:** General Manager**Theme:** Our Civic Leadership**Attachments:** 1. [CS270 Councillor Expenses Facilities Policy](#) ↓  
2. [DRAFT POL015 Councillor Expenses Facilities Policy](#) ↓**RECOMMENDATION**

That Council:

1. Adopts POL015 Councillor Expenses and Facilities Policy.

**PURPOSE**

The purpose of this report is to adopt the Councillor Expenses and Facilities Policy in accordance with Sec 252 Local Government Act 1993.

**SUMMARY**

CS270 Councillor Expenses and Facilities Policy (attachment 1) was scheduled for review following the commencement of the new Council.

The policy has been transferred into the current policy template and its number revised to POL015. Minor updates to content are highlighted in red text. The revised policy (attachment 2) can be adopted as is, however if substantial changes are required then it must be placed on public exhibition to give the community a chance to comment.

**BACKGROUND**

Section 252 *Local Government Act 1993* requires a Councillor Expenses and Facilities policy to be adopted within 12 months of the commencement of a new council.

The current policy satisfies the Office of Local Government (OLG) better practice Councillor Expenses & Facilities Policy template, is consistent with the provisions of the *Local Government Act 1993* and can be re-adopted as it is.

**RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES****Theme**

Our Civic Leadership

**Strategy**

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

**Action**

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

**ISSUES AND IMPLICATIONS****Policy**

- CS270/POL015 Councillor Expenses and Facilities Policy.

**Financial**

The policy provides amounts for Councillor expenses in Council's annual budget.

**Legal / Statutory**

- Compliance with *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW.

**Community Engagement / Communication**

- The current policy was publicly advertised when it was adopted by the former Council in 2019. Unless it is substantially amended, it does not require further advertising.

**Human Resources / Industrial Relations**

- Sets out funding for the mandated education and training of Councillors.

**RISKS**

The policy ensures that Councillor expenses and facility provision is clearly defined and transparent to the community. Absence of the policy could lead to inconsistent payments and non-compliance with the Act and Regulation.

**OPTIONS**

1. Adopt the draft POL015 Councillor Expenses and Facilities Policy.
2. Adopt the draft POL015 Councillor Expenses and Facilities Policy with amendments and Councillors are welcome to suggest amendments.
3. Refer the draft policy back to staff for further revision.

**CONCLUSION**

Adopt POL015 Councillor Expenses and Facilities Policy.

**RECOMMENDATION**

That Council:

1. Adopts POL015 Councillor Expenses and Facilities Policy.

**Chambers:** 141 East Street Narrandera, NSW, 2700 **Phone:** 02 6959 5510  
**Email:** council@narrandera.nsw.gov.au **Fax:** 02 6959 1884



**Policy No:** CS270

**Policy Title:** Councillor Expenses & Facilities

**Section Responsible:** Corporate Services

**Minute No:** 19/094

**MagiQ Document No:** 406293

**Next Review Date:** September 2021 (Within 12 months of the 2020 ordinary election)

### Objective

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.

### Policy Statement

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

### Scope

This policy applies to the Mayor and all Councillors.

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## Definitions

Term	Definition
Accompanying person	Means a spouse, partner or de facto or other person who has close personal relationship with or provides carer support to a councillor.
Appropriate refreshments	Means food and beverages, excluding alcohol, provide 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 of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
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
NSW	New South Wales
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfill their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• Meetings of Council and committees of the whole</li> <li>• Meetings of committees facilitated by council</li> <li>• Civic receptions hosted or sponsored by council</li> <li>• Meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council</li> </ul>
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 twelve months commencing on 1 July each year

## Principles

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.

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### **Private or political benefit**

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

### **Relationship between Annual Fees and Expenses**

It is noted that Councillor annual fees do not fall within the scope of this policy.

Council has resolved that:

Having regard to the Local Government Remuneration Tribunal's determination of a fee range for Councillors and the Mayor, Council shall always pay the maximum fees as determined by the Tribunal for the category into which Council has been classified.

Councillors are to be paid monthly in arrears in accordance with the provisions of the Act.

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## **Expenses**

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### **1. General expenses**

- 1.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 1.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

### **2. Specific expenses**

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

- 2.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 2.2. Each councillor may incur expenses to a total of \$3000 per year, and the mayor to a total of \$6000 per year, for travel expenses while undertaking official business or professional

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development or attending approved conferences and seminars within NSW. This includes expenses:

- for public transport fares
  - for the use of a private vehicle or hire car
  - for parking costs for Council and other meetings
  - for tolls
  - by Cab charge card or equivalent
  - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 2.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award. Should a Councillor decide to use a private vehicle when a Council provided vehicle is available, reimbursement will be on the basis of fuel costs only on presentation of receipts. Reimbursement for use of a Councillor's private vehicle is available if the distance travelled for each individual trip is greater than ten kilometres for each individual trip.
- 2.4. 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.
- 2.5. Where a Councillor incurs sustenance expenses that arise from attending to business which has been approved in accordance with this policy, but does not involve an overnight stay and/or absence from the Shire, reimbursement of actual costs incurred up to the daily limit will be paid provided that there is adequate substantiation of the expenditure.

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

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.

- 2.6. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of \$4000 per year. This amount will be set aside in Council's annual budget.
- 2.7. Councillors 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.
- 2.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 2.9. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
  - who is to take part in the travel
  - duration and itinerary of travel
  - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 2.10. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

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- 2.11. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 2.12. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 2.13. Bookings for approved air travel are to be made through the general manager's office.
- 2.14. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

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

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

#### **Accommodation and meals**

- 2.16. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Riverina region.
- 2.17. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Appendix 1 attached.
- 2.18. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 2.17.
- 2.19. Councillors will not be reimbursed for alcoholic beverages.

#### **Refreshments for council related meetings**

- 2.20. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.
- 2.21. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award, as adjusted annually.
- 2.22. After each Council meeting Councillors may attend a fellowship dinner where Councillors will pay for their own meal and drinks.

Council will pay for the annual Christmas dinner for each Councillor and their guest and the End of Council term dinner for each Councillor and their guest.

#### **Professional development**

- 2.23. Council will set aside \$20,000 annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 2.24. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 2.25. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the

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body and the cost of membership is likely to be fully offset by savings from attending events as a member.

- 2.26. 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.
- 2.27. In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 2.26, as well as the cost of the professional development in relation to the councillor's remaining budget.

### **Conferences and seminars**

- 2.28. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 2.29. Council will set aside a total amount of \$20,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The council will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 2.30. Approval to attend a conference or seminar is subject to a written request to the council. 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.
- 2.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the council. 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 2.15-2.18.
- 2.32. After returning from a conference, Councillors or a member of Council staff accompanying the Councillor/s, should provide a written report to Council on the aspects of the conference relevant to Council business and/or the local community. No written report is required for the Annual Conferences of the Local Government NSW.
- 2.33. Local Government NSW Annual Conference

Council shall be represented at the annual conference of the Association by the Mayor, Deputy Mayor, Chief Executive Officer and their accompanying person. Costs for accompanying persons are to cover registration and dinner only.

Additionally, Council shall provide a once only opportunity for a Councillor/s (to a maximum of two Councillors only for each annual Conference to attend the annual conference during the four year term of the Council.

In addition to the delegates nominated above a Councillor not seeking re-election at the next general election and entitled to receive a Local Government NSW Association long service certificate shall be entitled to attend a conference in the final year of a term of Council to partake in the presentation of such certificate.

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

- 2.34. Council will provide councillors a tablet with services up to a limit of \$60 per annum in data. Tablets are for the distribution of Council and Committee business papers and for the use by



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Councillors at Council and Committee meetings. No paper based reports are provided. Tablets will also be used for a communication link and dissemination of Council information via email.

### Special requirement and carer expenses

- 2.35. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 2.36. 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.
- 2.37. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$1000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 2.38. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 2.39. In the event of caring for an adult person, councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

### Home office expenses

- 2.40. Each councillor may be provided minor items associated with the maintenance of a home office, such as items of consumable stationery and printer ink cartridges.

## 3. Insurances and Councillor obligations

Council maintains insurance policies which extend benefits to councillors where they are engaged in or on any activity directly or indirectly connected with council including travelling to and from such activity.

Councillors shall notify the General Manager as soon as reasonably practicable of any intention to claim or incur any legal expenses under council's insurance policies.

- 3.1. In accordance with Section 382 of the Local Government Act, council is insured against public liability and professional indemnity claims.
- 3.2. Personal Accident.

Councillors are not covered by council's Workers Compensation scheme. This insurance provides some additional coverage for councillors and their accompanying persons for:

- personal accident (specifically provisions for lump sum payments and weekly benefits)
- payment of indirect medical related expenses not covered by Medicare or private health
- payment of additional expenses such as cancellation and curtailment fees
- travel including general loss of personal and business property, overseas medical expenses and other incidental travel related issues.

- 3.3. Councillor Liability.

This insurance provides some conditional coverage for councillors against claims they have committed a wrongful act resulting in harm or damage to a third party when acting in good faith in the course of their duties for council.

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This includes personal financial loss associated with defamation proceedings, the costs of attending formal statutory inquiries (such as the Independent Commission Against Corruption) and general claims or prosecutions of breach of duty or corruption, legal defence costs, the cost of properly investigating any allegations as well as the financial cost of any judgement or settlement made against the insured person.

- 3.4. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 3.5. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.

#### 4. Legal assistance

- 4.1. The reasonable legal expenses of a councillor may only be met for legal proceedings being taken against a councillor in defending an action arising from the performance in good faith of a function under the Act or any other Act (as per section 731 of the Act) or defending an action of defamation, provided that the outcome of the legal proceedings is favourable to the councillor.

In addition, legal costs may only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council after forming the view that a councillor has acted in good faith as required under Section 731 of the Act (determination of this view can require council to seek legal advice) 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
  - 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
  - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 4.2. 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.
  - 4.3. 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.
  - 4.4. 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. Costs reimbursed will be net of any award of costs made to a councillor.
  - 4.5. Any reimbursement of costs to a councillor will be capped at the amount specified in the councillors liability insurance policy and the claim approved by the insurer. Should any costs be incurred in excess of these amounts Council may, in its absolute discretion, approve payment by resolution of Council.

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- 4.6. Council will not meet the legal costs:
- of legal proceedings initiated by a councillor under any circumstances
  - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
  - for legal proceedings that do not involve a councillor performing their role as a councillor.
- 4.7. Councillors shall inform the Mayor and General Manager of their intention to lodge a claim for expenses relating to legal expenses.

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## Facilities

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### 5. General facilities for all councillors

#### Facilities

- 5.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
- personal protective equipment for use during site visits
  - 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.
- 5.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through a specified officer in the General Manager's office or other specified staff member.
- 5.3. The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

#### Stationery

- 5.4. Council will provide the following stationery to councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
  - business cards

#### Administrative support

- 5.5. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by staff in the General Manager's office or by a member of council's administrative staff as arranged by the general manager or their delegate.
- 5.6. Council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

### 6. Additional facilities for the mayor

- 6.1. Council will provide the mayor with a furnished office with telephone and meeting space.
- 6.2. Council shall provide a mobile telephone for Council use only to a monthly maximum expense of \$150. Any amount above this amount will require endorsement by the full Council.
- 6.3. Appropriate refreshments and beverages (including alcohol) will be provided as required to the Mayor for hospitality purposes.
- 6.4. In performing his or her civic duties, the mayor will be assisted by staff providing administrative and secretarial support, as determined by the general manager.

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- 6.5. Staff in the mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

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## Processes

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### 7. Approval, payment and reimbursement arrangements

- 7.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 7.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 7.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
  - carer costs
- 7.4. Final approval for payments made under this policy will be granted by the general manager or their delegate.

#### Direct payment

- 7.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Managers Office 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

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

#### Notification

- 7.6. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 7.7. 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

- 7.8. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- council will invoice the councillor for the expense
  - the councillor will reimburse council for that expense within 14 days of the invoice date.
- 7.9. 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.

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### Timeframe for reimbursement

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.

## 8. Disputes

- 8.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.
- 8.2. 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.

## 9. Return or retention of facilities

- 9.1. 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.
- 9.2. 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.
- 9.3. The prices for all equipment purchased by councillors under Clause 9.2 will be recorded in Council's annual report.

## 10. Publication

- 10.1. This policy will be published on council's website.

## 11. Reporting

- 11.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.
- 11.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

## 12. Auditing

- 12.1. The operation of this policy, including claims made under the policy, will be included in council's internal audit program and an audit undertaken as part of the internal audit schedule.

## 13. Breaches

- 13.1. Suspected breaches of this policy are to be reported to the general manager.
- 13.2. 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.

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### Related Legislation/Guidelines/Narrandera Policies and Associated Procedures

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

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### Policy History

Adopted by ELT 4 February 2019

Adopted by Council 21 May 2019

Reviewed

Amended

A handwritten signature in black ink, appearing to read "J. Brown", is written over a horizontal line.

Signed: General Manager

Date: 3 June 2019.....

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## **Appendix 1 – Expense Summary**

All monetary amounts are exclusive of GST.

<b>Expense or facility</b>	<b>Maximum amount</b>	<b>Frequency</b>
General travel expenses	\$3000 per councillor \$6000 for the Mayor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$4000 total for all councillors	Per year
Accommodation	Actual up to daily limit:- <input type="checkbox"/> State capitals & Canberra \$350 <input type="checkbox"/> Regional Cities \$250 <input type="checkbox"/> Country \$200	Per night
Meals	At Cost. Daily limit \$100	Per Day
Professional development	\$20,000 total for all councillors	Per year
Conferences and seminars	\$20,000 total for all councillors	Per year
ICT expenses	\$60 per councillor data \$1800 Mayor mobile phone	Per year
Carer expenses	\$1000 per councillor	Per year
Home office expenses	Provided to all councillors minor items such as consumable stationery and printer ink cartridges	Not relevant
Furnished office	Provided to the mayor	Not relevant
Use of a private vehicle (trip >10klm no council vehicle available)	By kilometre at the rate contained in the Local Government (State) Award	Not relevant
Use of a private vehicle (trip >10klm when council vehicle available)	Fuel costs only on presentation of receipts	Not relevant



# Councillor Expenses and Facilities Policy 202X POL015





**NARRANDERA SHIRE COUNCIL**

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**Policy No:** POL015  
**Policy Title:** Councillor Expenses and Facilities Policy  
**Section Responsible:** Corporate Services  
**Minute No/Ref:** XXXXXXX  
**Doc ID:** 406293

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**1. INTENT**

The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.

**2. SCOPE**

This policy applies to the Mayor and all Councillors.

**3. OBJECTIVE**

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.

**4. POLICY STATEMENT**

- The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Narrandera Shire Council.
- The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.

- Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 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.

## **5. PROVISIONS**

### **5.1 PRINCIPLES**

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.

### **5.2 PRIVATE OR POLITICAL BENEFIT**

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

- o fundraising activities of political parties or individuals, including political fundraising events.

### **5.3 RELATIONSHIP BETWEEN ANNUAL FEES AND EXPENSES**

It is noted that Councillor annual fees do not fall within the scope of this policy.

Council has resolved that:

- Having regard to the Local Government Remuneration Tribunal's determination of a fee range for Councillors and the Mayor, Council shall always pay the maximum fees as determined by the Tribunal for the category into which Council has been classified.
- Councillors are to be paid monthly in arrears in accordance with the provisions of the Act.

### **5.4 EXPENSES**

#### **5.4.1 General expenses**

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.
2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

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

1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
2. Each Councillor may incur expenses to a total of \$3000 per year, and the Mayor to a total of \$6000 per year, for travel expenses while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes expenses:
  - o for public transport fares
  - o for the use of a private vehicle or hire car
  - o for parking costs for Council and other meetings
  - o for tolls
  - o by Cab charge card or equivalent
  - o for documented ride-share programs, such as Uber, where tax invoices can be issued.
3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award. Should a Councillor decide to use a private vehicle when a Council provided vehicle is available, reimbursement will be on the basis of fuel costs only on presentation of receipts. Reimbursement for use of a Councillor's private vehicle is available if the distance travelled for each individual trip is greater than ten kilometres for each individual trip.

4. Councillors seeking to be reimbursed for use of a private vehicle must keep a logbook recording the date, distance and purpose of travel being claimed. Copies of the relevant logbook contents must be provided with the claim.
5. Where a Councillor incurs sustenance expenses that arise from attending to business which has been approved in accordance with this policy, but does not involve an overnight stay and/or absence from the Shire, reimbursement of actual costs incurred up to the daily limit will be paid provided that there is adequate substantiation of the expenditure.

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

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.

1. Total interstate, overseas and long-distance intrastate travel expenses for all Councillors will be capped at a maximum of \$4000 per year. This amount will be set aside in Council's annual budget.
2. Councillors 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.
3. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
4. The case should include:
  - o objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
  - o who is to take part in the travel
  - o duration and itinerary of travel
  - o a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
5. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
6. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
7. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
8. Bookings for approved air travel are to be made through the General Manager's office.

9. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

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

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

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

1. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Riverina region.
2. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Appendix 1 attached.
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 5.4.5.2.
4. Councillors will not be reimbursed for alcoholic beverages.

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

1. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
2. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award, as adjusted annually.
3. After each Council meeting Councillors may attend a fellowship dinner where Councillors will pay for their own meal and drinks.
4. Council will pay for the annual Christmas dinner for each Councillor and their guest and the End of Council term dinner for each Councillor and their guest.

#### **5.4.7 Professional development**

1. Council will set aside \$20,000 annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
2. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
3. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor

actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

4. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
  - o details of the proposed professional development
  - o relevance to Council priorities and business
  - o relevance to the exercise of the Councillor's civic duties.
5. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 5.4.7.4, as well as the cost of the professional development in relation to the Councillor's remaining budget.

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

1. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
2. Council will set aside a total amount of \$20000 annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The Council will ensure that access to expenses relating to conferences and seminars is distributed equitably.
3. Approval to attend a conference or seminar is subject to a written request to the Council. In assessing a Councillor request, the General Manager must consider factors including the:
  - o relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
  - o cost of the conference or seminar in relation to the total remaining budget.
4. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Council. 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 5.4.4, 5.4.5.1-5.4.5.3.
5. After returning from a conference, Councillors or a member of Council staff accompanying the Councillor/s, should provide a written report to Council on the aspects of the conference relevant to Council business and/or the local community. No written report is required for the Annual Conferences of the Local Government NSW.

#### **5.4.9 Local Government NSW Annual Conference**

1. Council shall be represented at the annual conference of the Association by the Mayor, Deputy Mayor, Chief Executive Officer and their accompanying person. Costs for accompanying persons are to cover registration and dinner only.

2. Additionally, Council shall provide a once only opportunity for a Councillor/s (to a maximum of two Councillors only for each annual Conference to attend the annual conference during the four-year term of the Council.
3. In addition to the delegates nominated above a Councillor not seeking re-election at the next general election and entitled to receive a Local Government NSW Association long service certificate shall be entitled to attend a conference in the final year of a term of Council to partake in the presentation of such certificate.

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

1. Council will provide Councillors a tablet with services up to a limit of ~~\$60~~ \$180 per annum in data. Tablets are for the distribution of Council and Committee business papers and for the use by Councillors at Council and Committee meetings. No paper-based reports are provided. Tablets will also be used for a communication link and dissemination of Council information via email.

#### **5.4.11 Special requirement and carer expenses**

1. 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.
2. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
3. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$1000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
4. Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
5. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

#### **5.4.12 Home office expenses**

Each Councillor may be provided minor items associated with the maintenance of a home office, such as items of consumable stationery and printer ink cartridges.

### **5.5 INSURANCES AND COUNCILLOR OBLIGATIONS**

Council maintains insurance policies which extend benefits to Councillors where they are engage in or on any activity directly or indirectly connected with Council including travelling to and from such activity.

Councillors shall notify the General Manager as soon as reasonably practicable of any intention to claim or incur any legal expenses under Council's insurance policies.

1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims.

#### **5.5.1 Personal accident**

Councillors are not covered by Council's Workers Compensation scheme. This insurance provides some additional coverage for Councillors and their accompanying persons for:

- personal accident (specifically provisions for lump sum payments and weekly benefits)
- payment of indirect medical related expenses not covered by Medicare or private health
- payment of additional expenses such as cancellation and curtailment fees
- travel including general loss of personal and business property, overseas medical expenses and other incidental travel related issues.

#### **5.5.2 Councillor Liability.**

This insurance provides some conditional coverage for Councillors against claims they have committed a wrongful act resulting in harm or damage to a third party when acting in good faith in the course of their duties for Council.

This includes personal financial loss associated with defamation proceedings, the costs of attending formal statutory inquiries (such as the Independent Commission Against Corruption) and general claims or prosecutions of breach of duty or corruption, legal defence costs, the cost of properly investigating any allegations as well as the financial cost of any judgement or settlement made against the insured person.

1. 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.
2. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

#### **5.6 Legal assistance**

1. The reasonable legal expenses of a Councillor may only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Act or any other Act (as per section 731 of the Act) or defending an action of defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.

In addition, legal costs may only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.



Council after forming the view that a Councillor has acted in good faith as required under Section 731 of the Act (determination of this view can require Council to seek legal advice) 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
  - 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
  - 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.
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.
  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.
  4. 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. Costs reimbursed will be net of any award of costs made to a Councillor.
  5. Any reimbursement of costs to a Councillor will be capped at the amount specified in the Councillors' liability insurance policy and the claim approved by the insurer. Should any costs be incurred in excess of these amounts Council may, in its absolute discretion, approve payment by resolution of Council.
  6. 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.
  7. Councillors shall inform the Mayor and General Manager of their intention to lodge a claim for expenses relating to legal expenses.

## 5.7 FACILITIES

General facilities are provided for all Councillors.

### 5.7.1 Facilities

1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
  - o personal protective equipment for use during site visits
  - o 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.
2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the General Manager's office or other specified staff member.
3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

### 5.7.2 Stationery

Council will provide the following stationery to Councillors each year:

- letterhead, to be used only for correspondence associated with civic duties
- business cards

### 5.7.3 Administrative support

1. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the General Manager's office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
2. Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

### 5.7.4 Additional facilities for the Mayor

1. Council will provide the Mayor with a furnished office with telephone and meeting space.
2. Council shall provide a mobile telephone for Council use only to a monthly maximum expense of \$150. Any amount above this amount will require endorsement by the full Council.
3. Appropriate refreshments and beverages (including alcohol) will be provided as required to the Mayor for hospitality purposes.
4. In performing his or her civic duties, the Mayor will be assisted by staff providing administrative and secretarial support, as determined by the General Manager.
5. Staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

## **5.8 PROCESSES**

### **5.8.1 Approval, payment and reimbursement arrangements**

1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
  - o local travel relating to the conduct of official business
  - o carer costs
4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

### **5.8.2 Direct payment**

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

### **5.8.3 Reimbursement**

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

### **5.8.4 Notification**

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

### **5.8.5 Reimbursement to Council**

1. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
  - o Council will invoice the Councillor for the expense
  - o the Councillor will reimburse Council for that expense within 14 days of the invoice date.
2. 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.

### **5.8.6 Timeframe for reimbursement**

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.

### **5.8.7 Disputes**

1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

### **5.8.8 Return or retention of facilities**

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.
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.
3. The prices for all equipment purchased by Councillors under Clause 9.2 will be recorded in Council's annual report.

### **5.8.9 Publication**

This policy will be published on Council's website.

### **5.8.10 Reporting**

1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

### **5.8.11 Auditing**

The operation of this policy, including claims made under the policy, will be included in Council's internal audit program and an audit undertaken as part of the internal audit schedule.

### **5.8.12 Breaches**

1. Suspected breaches of this policy are to be reported to the General Manager.

2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

## 6. DEFINITIONS

- **Accompanying person:** a spouse, partner or de facto or other person who has close personal relationship with or provides carer support to a Councillor.
- **Appropriate refreshments:** food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business.
- **Act:** the *Local Government Act 1993* NSW.
- **Clause:** Unless stated otherwise, a reference to a clause of this policy.
- **Code of Conduct:** the Code of Conduct adopted by Council, or the Model Code if none is adopted.
- **Councillor:** 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:** the General Manager of Council and includes their delegate or authorised representative.
- **Incidental personal use:** use that is infrequent and brief and use that does not breach this policy or the Code of Conduct.
- **Long distance intrastate travel:** travel to other parts of NSW of more than three hours duration by private vehicle.
- **NSW:** New South Wales.
- **Official business:** functions that the Mayor or Councillors are required or invited to attend to fulfill 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:** a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor.
- **Regulation:** the *Local Government (General) Regulation 2021* NSW.
- **Year:** the financial year, that is the twelve months commencing on 1 July each year
- **NSC:** Narrandera Shire Council

## **7. ROLES AND RESPONSIBILITIES**

### **7.1 GENERAL MANAGER**

- Functions and support as identified within this policy.

## **8. RELATED LEGISLATION**

- *Local Government Act 1993*, Sections 252 and 253
- *Local Government (General) Regulation 2021*, Clauses 217 and 403

## **9. RELATED POLICIES AND DOCUMENTS**

- Code of Conduct
- Code of Meeting Practice
- 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

## **10. VARIATION**

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

## **11. PREVIOUS VERSIONS**

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS270 Councillor Expenses & Facilities Policy
- ES70 Payment of Expenses and Provision of Facilities to Mayor and Councillors

**POLICY HISTORY**

<b>Responsible Officer</b>	<b>Deputy General Manager Corporate &amp; Community Services</b>		
<b>Approved by</b>	<b>General Manager</b>		
<b>Approval Date</b>	<b>DD Month 202Y</b>		
<b>GM Signature (Authorised staff to insert signature)</b>			
<b>Next Review</b>	<b>1 September 2025</b> (within 12 months of 2024 Council election)		
<b>Version Number</b>	<b>Endorsed by ELT</b>	<b>Endorsed by Council</b>	<b>Date signed by GM</b>
1 Adopted	-	29/04/1997	-
2 Reviewed	-	4/09/2000	-
3 Reviewed	-	16/09/2003	-
4 Reviewed	-	22/06/2004	-
5 Reviewed	-	18/01/2005	-
6 Reviewed	-	21/11/2006	-
7 Reviewed	-	19/06/2007	-
8 Reviewed	-	11/11/2008	-
9 Reviewed	-	16/02/2010	-
10 Reviewed	-	15/11/2011	-
11 Reviewed	-	20/11/2012	-
12 Reviewed	-	17/09/2013	-
13 Reviewed	-	14/10/2014	-
14 Reviewed	3/08/2015	20/10/2015	19/10/2015
15 Reviewed	26/09/2016	14/12/2016	14/12/2016
16 Reviewed	4/02/2019	21/05/2019	3/06/2019
17 Reviewed	-	DD/MM/YYYY	DD/MM/YYYY

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## Appendix 1 – Expense Summary

All monetary amounts are exclusive of GST.

Expense or Facility	Maximum Amount	Frequency
General travel expenses	\$6000 Mayor \$3000 per Councillor	Per year
Interstate, overseas and long-distance intrastate travel expenses	\$4000 total for all Councillors	Per year
Accommodation	Actual; up to daily limit: <ul style="list-style-type: none"> <li>· State capitals and Canberra \$350</li> <li>· Regional cities \$250</li> <li>· Country \$200</li> </ul>	Per night
Meals	At cost; daily limit \$100	Per Day
Professional development	\$20,000 total for all Councillors	Per year
Conferences and seminars	\$20,000 total for all Councillors	Per year
ICT expenses	\$180 per Councillor data \$1800 Mayor mobile phone	Per year
Carer expenses	\$1000 per Councillor	Per year
Home office expenses	All Councillors; minor items, for example: consumable stationery, printer cartridges	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Use of a private vehicle (trip >10km when no Council vehicle available)	By kilometre at the rate contained in the Local Government (State) Award	Not relevant
Use of a private vehicle (trip >10km when Council vehicle available)	Fuel costs only on presentation of receipts	Not relevant