

Expenses and the provision of facilities for Councillors

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Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.7 Undertake the civic duties of Council in an ethical manner

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Policy Summary

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

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

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

Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993 (NSW)</i>
civic duties	Means fulfilling expectations related to responsibilities of elected members
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council 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

Term	Definition
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required and/or approved, to attend to fulfil their legislated role and responsibilities for council or which result in a direct benefit for council and/or for the local government area, including: <ul style="list-style-type: none"> • meetings of council and committees of the whole • meetings of committees facilitated by council • civic receptions hosted or sponsored by council • meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
professional development	Means a training course, seminars, professional association membership or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

Part A Introduction

1. Introduction

The provision of expenses and facilities enables Councillors to fulfil their responsibilities as the elected representatives of Clarence Valley 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 responsibilities as elected members.

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 to fulfil their civic duties. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while participating in the civic functions of the Council

- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- ensure facilities and expenses provided to Councillors meet community expectations
- support a diversity of representation
- fulfil the Council's statutory responsibilities.

3. Principles

Council commits to the following principles:

- Proper conduct: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- Reasonable expenses: providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
- Participation and access: enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- Equity: there must be equitable access to expenses and facilities for all Councillors
- Appropriate use of resources: providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- Accountability and transparency: clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

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.

No personal benefits from Council expenditure are able to be accrued under loyalty programs. If an offer of a gift or benefit is considered to be a corrupt act, that offer must be immediately reported to the General Manager without disclosure to any other person.

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.

Part B Expenses**5. General expenses**

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.

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

Councillors who are not in attendance for at least 90% of conferences, seminars and professional development activities will be requested to show cause why they should not reimburse Council the cost of the event.

6. Specific expenses**6.1 General travel arrangements and expenses**

All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

Wherever practical, Councillors will be provided with the use of a Council vehicle for travel to attend official business beyond the Council boundaries.

Air travel may be considered the most economical mode of transport.

Councillors are responsible for liaising with the Executive Assistant team when booking transport to travel outside the Council boundaries on official business. Reasonable notice should be provided when booking a vehicle to ensure with availability.

The overall limit on associated expenses is set by Council's adopted budget. Any adjustment to that allocation, during the year, will be addressed in the appropriate quarterly financial review.

Limits for each individual Councillor are not set, as expenditures vary with the availability/need for individual Councillors to attend specific training opportunities and conferences and seminar.

Receipts are required where Councillors are seeking reimbursement for travel expenses outside the Council boundaries for:

- Public transport fares
- Parking costs
- Tolls
- Cab charges or ride share programs.

Councillors are entitled to claim a per kilometre rate for use of their private vehicles for official business within the Council boundaries, calculated as follows:

- the distance from the Councillor's principal place of residence (if it is within the CVC boundary) to the venue of the official business or, if the Councillor resides outside the CVC boundary, from the CVC boundary to the venue of the official business.

When no Council vehicle is available for travel outside the Council boundaries, Councillors are entitled to claim a per kilometre rate for use of their private vehicles, provided the travel is within the region bounded by Port Macquarie - Armidale - Kyogle - Tweed Heads.

When no Council vehicle is available for travel outside the region bounded by Port Macquarie - Armidale - Kyogle - Tweed Heads, Councillors will require the consent of the Mayor and the General Manager to be reimbursed at the per kilometre rate.

Calculation for reimbursement at the per kilometre rate for travel outside the Council boundary is calculated as follows:

- the total direct return distance travelled from the Councillor's residence to venue of the official business or;
- where a Councillor resides outside the Council boundary, reimbursement will be the lesser distance of either the Councillor's residence to the venue of the official business, or the Council boundary closest to the Councillor's residence to the venue of the official business or;
- where air travel presents a cheaper travel option, the Councillor may be reimbursed an amount equivalent to the cheapest flight option, rather than the per kilometre rate.

A request to book a vehicle may be declined where reasonable notice of need is not provided.

6.2 Interstate and overseas travel

Council approval is required for all interstate and overseas travel.

Where a Councillor considers that an overseas or interstate trip will result in direct and tangible benefits for Council and the Clarence Valley and that trip has not been previously resolved by Council, then that Councillor should submit a proposal to the General Manager that includes details of the proposed trip, including:

- expected benefits
- cost
- itinerary
- duration

Upon receipt, the General Manager is to include such a proposal in the Council business papers.

6.3 Accommodation and meals

Accommodation requirements for attendance at Council approved official business will be arranged by the Executive Assistant team.

Accommodation requirements that are not the subject of Council approval, must be authorised in advance by the General Manager.

Councillors are entitled to seek reimbursement for meals associated with official business attended outside the Council boundaries.

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

The daily limits for accommodation and meal expenses* within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

* If breakfast at the hotel where the Councillor is staying is a set amount, then Council will meet that expense, even if it exceeds the maximum allowance

The daily limits for accommodation and meal expenses outside Australia are to be determined in advance of travel by the General Manager.

6.4 Other incidental expenses

Council shall reimburse the reasonable out-of-pocket expenses of Councillors associated with attending conferences, seminars or training courses upon production of receipts, including telephone, internet charges, laundry and dry cleaning and parking.

6.5 Travel and accommodation related expenses not covered

Council will not pay for, or reimburse:

- traffic or parking fines or administrative charges for road toll accounts
- mini bar, pay movies or additional accommodation services not identified in this policy
- personal entertainment expenses
- personal requirement expenses, such as alcohol, cigarettes, medication
- transport, travel and/or accommodation undertaken in addition to that required for official business.

Councillors are not to rely on staff to book personal travel arrangements, adjunct to official business.

6.6 Refreshments for Council related meetings

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.

As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

6.7 Professional development

The overall limit on associated with professional development activities is set by Council's adopted budget. Any adjustment to that allocation, during the year, will be addressed in the appropriate quarterly financial review.

In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors, which gives consideration to any guidelines issued by the Office of Local Government (OLG) and policy and procedure specific to Clarence Valley Council. The cost of the induction program will be in addition to the ongoing professional development funding.

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.

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.

In assessing a Councillor's request for a professional development activity, the General Manager must consider the matters raised in the written request as well as the cost of the activity in relation to the existing budget.

6.8 Conferences

In addition to the provisions of this policy, guidance for attendance at conferences is provided for in accordance with Council's Councillor Attendance at Conferences Policy.

6.9 Information and communications technology (ICT) expenses

6.9.1 Telephone - mobile and landline

Councillors are entitled to seek reimbursement for Council related phone calls made on their private mobile or fixed line.

Alternatively, the Mayor is entitled to be provided with a mobile phone, in accordance with Council's current telecommunications plan.

An itemised account is required where Councillors are seeking reimbursement of mobile and fixed line calls related to their civic duties.

6.9.2 Ipad, computer & peripheral

Councillors are supplied with an appropriate device to facilitate their role as a Councillor.

Preference is for a mobile device, with a sim card provided. However, on occasions a desktop computer may be required. In this instance, the computer will be loaded with Council's standard operating environment.

Preference is for electronic access to information, however hard copy print material may be required on occasions and this can be facilitated by contacting the Executive Assistant team.

6.9.3 Broadband internet connection

Where Council provides a Councillor with a computer (rather than a device with a sim card), it may also be required to pay the installation and connection costs of an ADSL internet connection to the principal place of residence. The connection will be to Council's internet provider and access to the internet via this provider will be subject to the restrictions set out in Council's Electronic Communication Protocol.

Councillor's who wish to install their own internet connection or who do not have access to ADSL, but only to a dialup connection, will be entitled to reimbursement of their internet connection.

6.9.4 Land line for ADSL

If Council agrees to provide an ADSL connection, it may also install a telephone line in the Councillor's principal place of residence. Council will pay the line rental costs associated with providing the ADSL connection in accordance with Council's current telecommunications plan.

6.10 Spousal and partner expenses

Council will pay/reimburse the reasonable bona fide direct expenses of the Mayor or a Councillor incurred on behalf of their accompanying spouse or partner, where either:

- the Mayor is attending an official function or event, or
- the Councillor is representing the Mayor at a function or event, or

- the Councillor is attending the annual dinner held by Council for the Mayor and Councillors,
- provided that the event is within the CVC local government area and does not otherwise form part of a conference or seminar program.

6.11 Special requirement and carer expenses

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 and/or those with carer responsibilities.

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

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 and/or carer responsibilities to participate in official business related to their role as a Councillor.

6.11.1 Carers support

Councillors are eligible to claim reimbursement for expenses associated with care and support services for immediate family members who have a disability, are sick or frail aged, to enable the Councillor to participate in official business.

Any reimbursement shall be subject to the following limitations:

- The Councillor being the primary carer;
- The care service is provided by a professional service
- A tax invoice must have been provided by the care service

6.11.2 Child care support

Councillors are eligible to claim reimbursement for expenses associated with child care, where the carer is not a relative, to enable the Councillor to participate in official business.

Any reimbursement shall be subject to the following limitations:

- One or more of the Councillor's children must be under the age of sixteen years
- The child care service is provided by a professional child care service
- A tax invoice must have been provided by the child care service

In the event of caring for a child over the age of 16 years, or an adult relative, suitable evidence must be provided to support the claim for reimbursement. This may take the form of advice from a medical practitioner.

6.12 Home office and Stationery expenses

Councillors are entitled to claim reimbursement for home office related stationery items.

7. Insurances

In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

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.

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

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

8. Legal Assistance

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

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

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.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

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.
- 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.
- of a Councillor seeking advice in the case of a Code of Conduct complaint where the Conduct Reviewer has found the Councillor to have been in breach of the Code of Conduct.

Part C Facilities

9. General facilities for all councillors

All Councillors are provided with an email account for conducting civic duties. Use of the email is a public record and is subject to Council's Code of Conduct and Council's Electronic Communications Protocol.

Councillors may book meeting rooms at either of Council's Administration Centres in Maclean and Grafton, for official business at no cost. Rooms may be booked through the Executive Assistant team.

Refreshments (tea and coffee) are available for Councillors, when using meetings rooms for official business.

Councillors may access basic administrative support, through the Executive Assistant team, to assist them in their civic duties.

Staff will not provide Councillors with support or assistance with matters of personal or political interest, including campaigning.

10. Additional facilities for the mayor

In addition to the office facilities available to all Councillors, Council will provide the Mayor with:

- A vehicle for use on Council business. The Mayor will have no right of private use of this vehicle.
- An office in the Council administration buildings in both Grafton and Maclean. An annual civic allowance, the amount of which is to be determined each year by Council. The allowance to be retained by Council and will be available to be drawn on by the Mayor to make provision for his office and/or while acting on Council business.
- Mayoral regalia in the form of a collaret and a drop featuring the Council logo.
- Membership of the regional airline lounge facility for the Mayor, to provide a welcome and relatively private facility at Sydney Airport for lengthy layovers that sometimes occur but that do not warrant overnight accommodation.

Part D – Processes

11. Approval, payment and reimbursement arrangements

Expenses should only be incurred in accordance with the provisions of this policy.

Payment and reimbursement will be by way of submission of a monthly claim form:

- Appendix 2 - Travel Claim for Use of Private Vehicle
- Appendix 3 - Claim Reimbursement of Approved Expenses

Claim forms for reimbursement of approved expenses must be accompanied by supporting receipts and/or tax invoices and submitted to the Executive Assistant team.

Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Payments and reimbursements will be made with the monthly Councillors allowance.

Councillors will be advised by the General Manager of refused claims.

12. Advance payment

Councillors are entitled to advance payment to attend approved conferences, seminars or professional development, in accordance with the expense and facility schedule contained at Appendix 1.

A claim form containing relevant receipts must be submitted within 21 days of attending the event for the purpose of reconciliation.

13. Reimbursement to Council

If Council has incurred an expense on behalf of a Councillor that exceeds, or is not included in the provisions of this policy, the Councillor will be invoiced for the expense.

If the Councillor is unable to meet the terms of payment detailed on the invoice, they are to submit a written explanation to the General Manager, who may elect to deduct the amount from the Councillor's allowance.

14. Disputes

Any dispute relating to the administration of this policy must be made to the General Manager in writing detailing the grounds for the dispute. Any such disputes will be referred to the next scheduled Ordinary meeting of Council for determination and resolution.

15. Return or retention of facilities

All equipment listed in this policy is issued to Councillors on the basis that they agree to keep it in good condition while it is in their care and to promptly return it to Council either on request or when they cease to hold office

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.

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.

In the event the equipment is subject to a lease held by the Council, the General Manager will give consideration to the terms of the lease, in determining an appropriate price.

16. Reporting

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

17. Auditing

The operation of this policy, including claims made under the policy, are subject to random audit.

18. Breaches

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

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.

19. PART E – Appendices

Appendix 1. Schedule of Expenses and Facilities

Expense or facility	Maximum Amount	Frequency
General travel expenses	overall limit set by Council's adopted budget	
Reimbursement for use of private vehicle (see calculation notes in S6.1)	As per the Local Government Award	Per km
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Conferences, seminars and professional development	Conference fees and training and development expenses - overall limit set by Council's adopted budget	
Other Incidentals re attendance at conferences and seminars	\$20.50	Per day
ICT expenses – monthly data download limit	\$30.00	Per month
ICT expenses – internet access allowance	\$40.00	Per month
Carer support expenses	\$49.50	Per hour
Annual carer support expenses	Capped at \$2,300 per year	
Child care expenses for each child <16years	\$49.50	Per hour
Annual child care expenses	Capped at \$2,300 per year	
Home office and Stationery expenses	\$214.20	Per year
Mobile phone and landline	\$ 69.70 (Councillor) \$ 150.70 (Mayor)	Per month
Council vehicle and fuel card	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office	Provided to the mayor	Not relevant
Legal Services -	Limited to the rate equivalent to the hourly rate charged by Council's Clarence Valley based Solicitors	

Appendix 2. Travel Claim for Use of Private Vehicle

Councillor: please return to
Lesley McBay at Council Meetings, or
email karlie.chevalley@clarence.nsw.gov.au

TRAVEL CLAIM FOR USE OF PRIVATE VEHICLE

Councillor name: _____

Vehicle make and model: _____ Engine capacity: _____

Date	Details of journey	Kilometres travelled
	Total kilometres	

Declaration

I confirm that the above travel was related to my duties on behalf of Clarence Valley Council.

Signed: _____ Date: _____

Office use only - when authorised forward to PAYROLL	
Costing code: 991001-53-7005-2565	TOTAL PAYABLE THIS MONTH \$ _____
KM rate payable: Under 2500cc – 68 cents per km Over 2500cc – 78 cents per km	
Approval to Pay: _____ Date: _____ <p style="text-align: center;">General Manager</p>	
Date ESO forwarded to Payroll _____	

Appendix 3. Claim for Reimbursement of Approved Expenses



Councillor: please return to Minute Secretary
at Council Meetings

CLAIM FOR REIMBURSEMENT OF APPROVED EXPENSES

Councillor name: _____

Date	Item	Amount	Cumulative Total
	Total amount claimed		\$

Declaration

I confirm that the above expenses are related to my duties on behalf of Clarence Valley Council, are supported by original receipts attached to this claim and were not incurred more than 6 weeks prior to the date on which reimbursement is sought.

Signed: _____ Date: _____

Office use only - When authorised forward to CREDITORS	
Account codes/job numbers	Amount
Approval to Pay: _____ Date: _____ <div style="text-align: center;">General Manager</div>	