



Title	Payment of Expenses and the Provision of Facilities to Mayor and Councillors Policy
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Disclaimer

Please note that this policy may not be current as Snowy Valleys Council (Council) regularly reviews and updates its policies and procedures. The latest controlled version can be found in Council's Records Management System or contact Council's Coordinator Governance and Risk on policy@snowyvalleys.nsw.gov.au for a hard copy of the latest version. **A hard copy of this electronic document is uncontrolled.**

Where there is a delegation identified in this policy, the reader will need to confirm if an alternative delegation exists in the Delegations Register. To the extent that there is any conflict perceived between the delegation/s identified in this policy and of those contained in the Delegations Register, then the delegation/s in the Delegations Register takes precedence. The Chief Executive Officer will, if necessary, be the sole arbiter in resolving any issues of conflict.

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 and are subject to future changes in relevant guidelines, policies and awards.

Note: This table will be reviewed annually as required by the Act

General travel expenses	Total budget for all councillors as per annual budget allocation	Per year
Accommodation and meals	As per NSW Local Government Award, adjusted annually	Per meal/night
Professional development	As per annual budget allocation	Per year
Conferences and Seminars	As per annual budget allocation	Per year
Carer expenses	\$1560 per councillor	Per year
Council vehicle and fuel card	Provided to the mayor only	Not relevant
Reserved parking space at Council offices	Provided to the mayor only	Not relevant
Furnished office	Provided to the mayor only	Not relevant

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

Councillors must provide claims for reimbursement within one month of an expense being incurred. Claims made after this time cannot be approved. Claims older than three months will not be paid.

PART A – INTRODUCTION

1. INTRODUCTION

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

2. OBJECTIVES

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
 - ensure facilities and expenses provided to councillors meet community expectations
 - support a diversity of representation
 - fulfil the council's statutory responsibilities.

3. PRINCIPLES

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

- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

4. PRIVATE OR POLITICAL BENEFIT

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

PART B – EXPENSES

5. GENERAL EXPENSES

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

6. SPECIFIC EXPENSES

General travel arrangements and expenses

- 6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each councillor may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement for:
 - public transport fares
 - hire car

- parking costs
 - tolls
 - taxi
 - documented ride-share programs, such as Uber, where tax invoices can be issued
- 6.3. Reimbursement rates will be as per the NSW Local Government Award.
- 6.4. Allowances for the use of a private vehicle will be reimbursed by kilometre at the NSW Local Government Award rate.
- 6.5. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 6.6. Given Council's location on the interstate borders, travel to the Australian Capital Territory and those Victorian communities that share a border with the Snowy Valleys Local Government Area will be considered as general travel. Arrangements and expenses for this travel will be governed by Clauses 6.1-6.5.
- 6.7. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
- 6.8. Total travel expenses including interstate, overseas and long distance intrastate for all councillors will be capped at a maximum annual limit per year. This amount will be set aside in Council's annual budget.
- 6.9. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 6.10. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 6.11. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with council's strategic plans, 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.
- 6.12. For interstate and long distance intrastate journeys by air the class of air travel is to be economy class.
- 6.13. For international travel, the class of air travel is to be economy class.
- 6.14. Bookings for approved air travel are to be made through the Chief Executive Officer's office.

- 6.15. 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

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

Accommodation and meals

- 6.17. 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 Chief Executive Officer. 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.
- 6.18. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Snowy Valleys region.
- 6.19. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in the NSW Local Government Award, as adjusted annually.
- 6.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Chief Executive Officer, being mindful of Clause 6.18.
- 6.21. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.22. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions where held in person and as approved by the Chief Executive Officer and within Council's approved budget.

Professional development

- 6.23. Council will set aside funds per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.24. 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 budget for the induction program will be in addition to the ongoing professional development funding.
- 6.25. 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 body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.26. Approval for professional development activities is subject to a report submitted to a full council meeting outlining the:
- details of the proposed professional development
 - relevance to council priorities and business

- relevance to the exercise of the councillor's civic duties.

6.27. In assessing a councillor request for a professional development activity, the Council must consider the factors set out in Clause 6.25, as well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

6.28. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

6.29. Council will set aside funds annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.

6.30. Approval to attend a conference or seminar is subject to a report submitted to a full council meeting outlining the:

- Details of the proposed conference or seminar
- relevance of the topics and presenters to current council priorities and business
- relevance of the topics and presenters to the exercise of the councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

In the event that conference registration is required before the next scheduled meeting of the Council, approval may be granted by the Mayor and Chief Executive Officer and a report presented to the next meeting of the Council for ratification of the decision.

6.31. In assessing a councillor request to attend a conference or seminar, the Council must consider the factors set out in Clause 6.29, as well as the cost of the conference or seminar in relation to the councillor's remaining budget.

6.32. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21.

6.33. Councillors attending conferences and seminars will provide a written report to an open council meeting on the outcomes of the conference or seminar within one month of the Councillor's attendance at the conference or seminar.

6.34. If a number of councillors attend the same conference or seminar, a single report may be submitted on behalf of all Councillors that attended.

6.35. The report to council is to include:

- The purpose of the conference/seminar
- Agenda of the conference/seminar
- Items of interest to council
- Recommendations for further investigation or consideration by council

Information and communications technology (ICT) expenses

- 6.36. Council will provide councillors with an approved device with internet access.
- 6.37. The device will be the required specification and configuration to enable councillors to access and utilise the appropriate systems relevant to perform their civic duties.
- 6.38. Councillors will be provided with an induction at the commencement of their term as part of their induction on the use of the device and appropriate systems and applications.
- 6.39. In order to assist Councillors in resolving operational technical issues with their Council issued device, support will be available during the hours of 8:30am and 5pm Monday to Friday.
- 6.40. Requests for technical support for Council approved devices must be lodged through the Councillor Support Officer or Chief Executive Officer.
- 6.41. Councillors must comply with the relevant Council policies and procedures that govern the proper use of Council information and communications technology.

Special requirement and carer expenses

- 6.42. 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.
- 6.43. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.44. In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.45. 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 in accordance with this policy for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.46. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.47. In the event of caring for an adult person, councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Accompanying Person's Expenses

- 6.48. Council will meet the actual cost of meals and refreshments of Accompanying Persons for Council sponsored dinners, receptions or similar organised official functions.
- 6.49. Council will meet the actual costs of Accompanying Persons at the official dinner of the Local Government NSW Annual Conference.
- 6.50. Where Council has approved the attendance of an Accompanying Person at an official function, any travel expense, additional accommodation expense and other incidental expenses will be met by the Councillor and not Council.

7. INSURANCES

- 7.1. 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.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

8. LEGAL ASSISTANCE

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
 - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 8.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
 - of legal proceedings initiated by a councillor under any circumstances
 - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a councillor performing their role as a councillor.

- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

PART C – FACILITIES

9. GENERAL FACILITIES FOR ALL COUNCILLORS

- 9.1. 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.
- 9.2. 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 mayor's office or other specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the Chief Executive Officer as appropriate for the purpose.

Administrative support

- 9.4. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by staff in the mayor's office or by a member of council's administrative staff as arranged by the Chief Executive Officer or their delegate.
- 9.5. As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. ADDITIONAL FACILITIES FOR THE MAYOR

- 10.1. Should the mayor request, Council will provide to the mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card through a leaseback arrangement that includes private use.
- 10.2. The mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to council on a monthly basis.
- 10.3. A parking space at council's offices will be reserved for the mayor's council-issued vehicle for use on official business, professional development and attendance at the mayor's office.
- 10.4. Council will provide the mayor with a furnished office.
- 10.5. Council will provide the mayor with a Council issued mobile phone for use in accordance with Council's relevant policies.
- 10.6. In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the Chief Executive Officer, to work on official business only, and not for matters of personal or political interest, including campaigning.

PART D – PROCESSES

11. APPROVAL, PAYMENT AND REIMBURSEMENT ARRANGEMENTS

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

Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

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

Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.

Direct payment

- 11.1. Payments to Councillors will be made by direct deposit into a nominated bank account.
- 11.2. Payments will be made on a monthly basis.

Reimbursement

- 11.3. 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 Councillor Support Officer with sufficient information and time to allow for the claim to be assessed and processed.

Advance payment

- 11.4. Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.
- 11.5. Requests for advance payment must be submitted to and approved by the Chief Executive Officer for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.6. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
 - a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.7. If a claim is approved, council will make payment directly to the councillors nominated bank account through accounts payable.
- 11.8. If a claim is refused, the Chief Executive Officer will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

- 11.9. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- council will invoice the councillor for the expense
 - the councillor will reimburse council for that expense within 14 days of the invoice date.
- 11.10. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

- 11.11. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. DISPUTES

- 12.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the Chief Executive Officer.
- 12.2. If the councillor and the Chief Executive Officer cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

13. RETURN OR RETENTION OF FACILITIES

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.

14. PUBLICATION

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

15. REPORTING

- 15.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.
- 15.2. 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.

16. AUDITING

- 16.1. The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least every two years.

17. BREACHES

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

18. RELATED POLICIES/DOCUMENTS

Code of Conduct SVC-RP-STY-001
 Gifts and Benefits Policy SVC-EXE-PO-009
 Media Policy for Mayor & Councillors SVC-COR-PO-028
 Personal Protective Equipment Policy SVC-WHS-PO-015
 Personal Protective Equipment Procedure SVC-WHS-PR-028
 Staff Corporate Uniform Policy SVC-HR-PO-012
 Staff Corporate Uniform Procedure SVC-HR-PR-005
 Use of Council Vehicle Policy SVC-IWD-PO-041

19. RELATED FORMS

Councillor's Expenses Claim Form SVC-EXE-F-046

20. SUPERSEDING POLICY / PROCEDURE NUMBER AND TITLE

Payment of Expenses and the Provision of Facilities to Mayor and Councillors Policy – SVC-CLR-PO-002-03

21. REVISION HISTORY

Date	Version Number	Activity log	Resolution Number	Resolution date
	1	Adopted Ordinary Council Meeting	M87/16	25/08/2016
15.8.2017	2	Amended for election of Councillors 2017 Adopted Ordinary Council Meeting for Public Exhibition	M134/17	24/08/2017
23.11.2017	2	Adopted by Council	M204/17	23/11/2017
21.02.2019	3	Adopted by Council	M15/19	21/02/2019

22. 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>
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
Chief Executive Officer	Means the Chief Executive Officer of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <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 seminar, conference, training course 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