

## COUNCIL POLICY

<b>POLICY NUMBER &amp; TITLE:</b>	<b>GOV010</b>	<b>PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY</b>
<b>WORD DOCUMENT ID:</b>	DOC/24/29723	
<b>VERSION:</b>	1.0	
<b>ADOPTED MEETING DATE:</b>	Click or tap to enter a date.	
<b>REVIEW DUE:</b>	Four yearly or following change of legislation or incident	
<b>VERSION AMENDMENTS:</b>	Nil	

<b>RESPONSIBLE DEPARTMENT:</b>	General Manager
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## PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

### POLICY OBJECTIVE

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 and Mayoral expenses and facilities with community expectations. Councillors and the Mayor 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 2021* (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 at item 10. All monetary amounts are exclusive of GST.

Additional costs incurred by a Councillor in excess of any agreed limit is considered a personal expense that is the responsibility of the Councillor.

Expenses and facilities provided by this policy are in addition to fees paid to Councillors (the minimum and maximum fees Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per section 214 of the Act and reviewed annually. Council must adopt its annual fees within this set range).

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

## COUNCIL POLICY

### 1. POLICY STATEMENT

The intent of this policy is to:

- ensure there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred by Councillors
- 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; and
- fulfil the Council's statutory responsibilities

### 2. POLICY COVERAGE

Unless otherwise stated, this policy is applicable to all Councillors of Wentworth Shire Council.

### 3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner.

Strategy: 4.2 A strong, responsible and representative government.

### 4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
<b>Accompanying Person</b>	Spouse, partner or de-facto or other person who has a close personal relationship with or provides carer support to a Councillor
<b>The Act</b>	<i>Local Government Act 1993</i>
<b>Appropriate refreshments</b>	Food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
<b>Clause</b>	Unless otherwise stated, a reference to a clause is a reference to a clause in this policy
<b>Code of Conduct</b>	The Code of Conduct adopted by Council or the Model Code of Conduct if none is adopted
<b>Councillor</b>	Elected Council representatives, including the Mayor
<b>Facilities</b>	Equipment and services provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors
<b>Functions of Civic Office/civic functions</b>	Functions that Councillors are required to undertake to fulfil their legislative role and responsibilities for the Council that

## COUNCIL POLICY

	should result in a direct benefit for the Council and/or the local government area
<b>General Manager</b>	The General Manager of Council and includes their delegate or authorised representative
<b>Incidental Personal Use</b>	Use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
<b>Mayor</b>	The elected Mayor or the Deputy Mayor acting in the position of Mayor in the Mayor's absence
<b>Long distance intrastate travel</b>	Travel to other parts of NSW of more than three (3) hours duration by private vehicle
<b>Official Business</b>	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"> <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; and</li> </ul> meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.
<b>Professional Development</b>	Seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
<b>The Regulation</b>	Local Government (General) Regulation 2021 (NSW)
<b>Year</b>	The financial year, that is the 12 month period commencing on 1 July each year

## 5. POLICY CONTENT

It is the policy of Council that Councillors are recompensed for legitimate and reasonable expenses and can access agreed resources through an equitable, accessible, transparent and accountable process, subject to Office of Local Government (OLG) Guidelines, and any relevant legislative requirements.

### 5.1 General Conduct

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act. This is a requirement under section 439 of the Act and reinforced in the Model Code of Conduct made under section 440.

Council's Code of Conduct Policy provides that Council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that Council resources are being used inappropriately.

Council commits to the following principles:

Title: GOV010 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY	V5.0	Version date: 12/02/2025
DOC ID: DOC/24/29723	Do not use this policy in printed form without first checking it is the current version	

## COUNCIL POLICY

- **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 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; and
- fundraising activities of political parties or individuals, including political fundraising events.

### 5.3 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.

### 5.4 Specific Expenses

#### 5.4.1 General travel arrangements and expenses

Title: GOV010 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY	V5.0	Version date: 12/02/2025
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## COUNCIL POLICY

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

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
- 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.

Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

Councillors seeking to be reimbursed for use of a private vehicle if no Council vehicle is available for use, must keep a log book recording the date, distance and purpose of travel being claimed. Claims for travel must be in accordance with this policy.

### 5.4.2 Interstate, overseas and long-distance intrastate travel expenses

Given Council's location near an interstate border, travel within the Sunraysia area of Victoria will be considered as general travel. Arrangements and expenses for this travel will be governed by general travel provisions.

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 Council and the local community. This includes travel to cities where diplomatic ties exist.

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.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel. 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; and
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

## **COUNCIL POLICY**

*All bookings for air travel will be made by Council through the Office of the General Manager, after receiving approval.*

For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel booked will be economy class including, where available, the use of a flexible fare class. The most economical fare will be chosen, or the next available fare if no economy fares are available.

For interstate journeys by air of more than three hours, the class of air travel may be premium economy or economy dependent on availability.

For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

Retrospective approval for overseas travel is not permitted.

Councillors *will not* accrue points from any 'Frequent Flyer' equivalent or similar loyalty program while on Council related business. Frequent flyer accrual is considered a private benefit.

After returning from overseas, interstate or long-distance intrastate travel, Councillors must provide an information report as soon as practicable to be presented to an Ordinary Council meeting on the aspects of the trip relevant to Council business and/or the community. If two or more Councillors attend the same event, only one report is required to be submitted.

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

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

### **5.5 Accommodation and Meals**

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 11pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Sunraysia region.

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.

The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of the previous clause.

Councillors will not be reimbursed for the purchase of alcoholic beverages.

### **5.6 Refreshments for Council related meetings**

## **COUNCIL POLICY**

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.

### **5.7 Professional Development**

Council will set aside funds annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.

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 OLG. 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; and
- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in the above clause, as well as the cost of the professional development in relation to the Councillor's remaining budget.

### **5.8 Conferences and Seminars**

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

Council will set aside funds annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the General Manager. 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.



## **COUNCIL POLICY**

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. 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 normal travel expense provisions.

Council will provide a Council vehicle (where available) for travel to conferences, seminars and meetings where no air travel is undertaken.

The Office of the General Manager will arrange for registration, accommodation and travel relating to attendance at any conference, seminar or professional development opportunity.

### **5.9 Spouse, Partner and Accompanying Person Expenses – within the Local Government area**

Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature within the local government area. Such functions would be those that a Councillor's spouse, partner or accompanying person could be reasonably expected to attend.

### **5.10 Spouse, Partner and Accompanying Person Expenses – Local Government Conferences**

Council will meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government New South Wales Association's annual conference. These expenses are to be limited to the costs of registration and the official conference dinner. Travel expenses, accommodation and sundry expenses for spouses, partners or accompanying persons are not included and are the responsibility of the individual Councillor.

If a service is shared between a Councillor and a spouse/partner/accompanying person the expense associated with the service will be reimbursed as long as the expenses did not increase due to the attendance of the spouse/partner/accompanying person.

### **5.11 Information and Communication Technology (ICT) Expenses**

Council will provide Councillors with a device and pay for data and internet costs associated with these devices.

Councillors may seek reimbursement for costs applications on their communications device and services used by Councillors directly related to their duties as a Councillor.

## **6. Special Requirement 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 impairments.

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



## **COUNCIL POLICY**

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 an impairment to perform their civic duties.

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 at the discretion of the General Manager for attendance at official business, plus reasonable travel from the principal place of residence.

Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

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.

### **6.1 Home Office Expenses**

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

### **6.2 Insurances**

Councillors while on Council related business shall receive the benefit of insurance cover for:

- Personal Accident (including sickness and journey/travel)
- Public Liability
- Professional Indemnity
- Council and Officers Liability

In accordance with Section 382 of the Act, Council is insured against public liability, professional indemnity and Councillors and Officers 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.

### **6.3 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 Act provided that the outcome of the legal proceedings is favourable to the Councillor.

## **COUNCIL POLICY**

- 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; or
  - 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.

### **7. General Facilities for All Councillors**

Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the General Manager's office.

The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

#### **7.1 Stationary**

Each Councillor may be reimbursed for costs associated with minor items of consumable stationery. Council will supply Councillors with a business card if requested.

#### **7.2 Administrative Support**

Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff as arranged by the General Manager or their delegate.

## **COUNCIL POLICY**

Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

### **7.3 Additional Facilities for the Mayor**

Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office.

The Mayoral allowance will be reduced to cover the cost of any private travel.

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.

Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.

In performing their civic duties, the Mayor will be assisted by staff providing administrative and secretarial support, as determined by the General Manager.

Council staff assisting the Mayor are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

#### **Corporate Credit Card**

The Mayor can choose to be provided with a corporate credit card to be used on official Council related business only.

If the corporate credit card is selected, the Mayor will be required to comply with Council Policy and procedures concerning the management of corporate credit cards.

## **8. Approval Process**

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 where possible.

Approval up to a reasonable limit 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 General Manager or their delegate.

A claim for reimbursement of expenses must be lodged within three (3) months of the expense being incurred. Claims made after this time may not be approved.

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

## **COUNCIL POLICY**

### **8.1 Direct Payment**

Council may approve and directly pay expenses. Request for direct payment must be submitted to the General Manager for assessment against this policy, with sufficient information and time to allow for the claim to be assessed and processed.

### **8.2 Reimbursement**

All claims for reimbursement of expenses incurred must be made on the Expense Claim form, supported by appropriate receipts and/or tax invoices and submitted to the Director Corporate Services.

If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.

If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

### **8.3 Reimbursement to Council**

If Council has incurred an expense on behalf of a Councillor that exceeds reasonable incidental private use or is not provided within 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

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 Councillors allowance.

## **9. Other Matters**

### **9.1 Disputes**

If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.

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.

### **9.2 Return or retention of facilities**

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 wish 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 equipment.

## COUNCIL POLICY

The prices for all equipment purchased by Councillors under this provision will be recorded in Council's annual report.

### 9.3 Publication

This policy will be published on Council's website.

### 9.4 Reporting

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

### 9.5 Auditing

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.

### 9.6 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.

## 10. Expense/Facility Cost Table

Expense or facility	Cost
General travel expenses	Actual Cost
Interstate, overseas and long-distance intrastate travel expenses	Actual Cost
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually
Professional development, Conferences and Seminar	Actual Cost
ICT expenses	Actual Cost
Carer expenses	Actual Cost
Home office expenses	Actual Cost
Council vehicle and fuel card	Provided to the mayor
Reserved parking space at Council offices	Provided to the mayor
Furnished office	Provided to the mayor

## COUNCIL POLICY

General Managers Office staff supporting Mayor and Councillors	Provided to the mayor and councillors
Use of private motor vehicle	Actual per km allowance

### 11. RELATED DOCUMENTS AND LEGISLATION

*Local Government Act 1993 (NSW)*

*Local Government (General) Regulation 2021 (NSW)*

*Office of Local Government Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009)*

#### Council Policies

GOV003 – Fraud Control Policy

GOV004 – Public Interest Disclosure Policy

GOV005 – Procurement Policy

GOV009 – Delegations Policy

GOV020 – Code of Conduct Policy

GOV022 – Legislative Compliance Policy

GOV024 – Credit Card Policy

#### Council Documents

Procurement Manual

Legislative Compliance Framework

Governance Framework

Fraud Control Plan

Delegations Framework

### 12. ATTACHMENTS

- Code of Conduct
- Expense Claim Form

### 13. DOCUMENT APPROVAL

This Council Policy is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click or tap to enter a date..](#) All previous versions of this policy are null and void. This policy may be amended or revoked by Council at any time.