

Policy No. PP003

# Payment of Expenses and Provision of Facilities to Councillors Policy

## Payment of Expenses and Provision of Facilities to Councillors Policy

### 1 INFORMATION ABOUT THIS POLICY

#### POLICY INFORMATION

<b>Date Adopted by Board</b> 17 November 2017	<b>Resolution No.</b> 17/076
<b>Policy Responsibility</b> General Manager	
<b>Review Timeframe</b> Annually	
<b>Last Review</b> 2017	<b>Next Scheduled Review</b> 2018

#### DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	12/06/2016	<p>The Policy has been reformatted, additions of Scope and Definitions, and</p> <ul style="list-style-type: none"> <li>• References to Council amended to GWCC,</li> <li>• Chairperson instead of Chairman,</li> <li>• Deputy Chairperson instead of Deputy Chairman.</li> <li>• Definitions within the policy have been relocated To Definitions section (pages 4 &amp; 5),</li> <li>• Relocated Legislative Provisions to Related Legislation Table (page 2)</li> <li>• Relocated Other Government policy provisions relate to this Policy to Related Procedures/ Protocols, Statements , Documents Table (page 2)</li> <li>• Payment of Expenses removed Deputy Chairman from heading.</li> <li>• Removed “Spouse” from Section 7 included “Spouse” in Accompanying Persons definition,</li> <li>• Amended 7.2 (c) the repayment period from seven (7) days to thirty (30) days being GWCC standard invoice payment period</li> <li>• 8.1 now includes “Substitute” , added 8.1 substitute nomination, removed separate sub-heading for Substitute attendee</li> <li>• 8.3.3 (c) replaced reference to clause with “Award” now included in Definitions.</li> <li>• 8.3.3 (d) &amp; 8.3.4 (d) replaced with “Local Travel Costs, now included in Definitions</li> <li>• 8.4 auto payment option added, and included in Definitions</li> <li>• 10 Previous omission from the 2014/2015 and 2013/14 Policies regarding Care and Other</li> </ul>

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		<p>Related Expenses has been included using the Office of Local Government guidelines.</p> <ul style="list-style-type: none"> <li>• 13 Removed Chairman from Heading, Addition of “or Deputy Chairperson when delegated by the Chairperson”</li> <li>• Addition of 14.6 GWCC Personal Device into Provision of Facilities generally, 14 Councillors</li> <li>• Inclusion of “Deputy Chairperson” section 15</li> <li>• Addition of “with GWCC” at the end of section 16.</li> </ul>
	24/08/2017	<p>The policy has been updated to be consistent with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation) and the Office of Local Government’s (OLG) Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW (the Guidelines).</p>
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### FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

<b>Related Legislation</b>	<p><b>NSW Local Government Act 1993,</b> with attention to: <b>Sections 239, 241</b> <b>Section 428 (2) (f) Reporting Requirements</b> <b>Chapter 9, Part 2, Division 5, Sections 252-254A</b> and <b>Local Government (General) Regulations 2005</b> With attention to: <b>Section 254A</b></p>
<b>Related Policies</b>	<b>Model Code of Conduct</b>

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<p><b>Related Procedures, Protocols, Statements and Documents</b></p>	<p><b>Previous Resolutions 14/110, 15/069</b></p> <p><b>Division of Local Government Guidelines, Department of Premier and Cabinet for payment of expenses and provision of facilities.</b></p> <p><b>Division of Local Government Circulars to Councils.</b></p> <p><b>ICAC publications.</b></p> <p><b>Local Government Remuneration Tribunal Determination</b></p> <p><b>Local Government (State) Award for kilometre rate.</b></p>
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## Payment of Expenses and Provision of Facilities to Councillors Policy

### 3 PURPOSE

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.

### 4 SCOPE

This policy apply to all payments of Councillor's annual fees, chairperson's fee, expenses and provisions of facilities to Chairperson, Deputy Chairperson and Councillors.

### 5 DEFINITIONS

**Accompanying person** - Is the Councillor's or Chairperson's, or Deputy Chairperson's Spouse, partner or nominate person.

**ALGA** - Australian Local Government Association

**Appropriate Refreshments** - Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business

**Act** - Local Government Act (1993)

**Additional Expenses** - Any Shared Executive Assistant / Secretarial Services including Typing, photocopying, printing, postage, facsimile, computer, data and telephone facilities

**Annual Fee** - The Annual Fee paid to Councillors between the Minimum and Maximum for GWCC determined annually by the Tribunal, and any specific resolution of GWCC under Section 254A of the Regulations.

**Award** - Local Government (State) Award

**Chairperson** - Elected Chairperson of GWCC

**Chairperson's Fee** - The additional Annual Fee paid to the Chairperson between the Minimum and Maximum for GWCC determined the Tribunal, and any specific resolution of GWCC under Section 254A of the Regulations

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**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** - Councillor of GWCC

**Deputy Chairperson** - Elected Deputy Chairperson of GWCC

**Determination** - The annual determination of the Tribunal per c241 Act

**General Manager** - Means the General Manager or Council and includes their delegate or authorised representative.

**GWCC** - Goldenfields Water County Council

**GWCC Documents** - Anything delivered electronically for purpose of conducting GWCC business.

**GWCC Personal Device** - Electronic device provided by GWCC for delivery of GWCC documents.

**ICAC** - The Independent Commission Against Corruption

**Incidental Personal Use** - Means use that is infrequent and brief and use that does not breach this policy or Code of Conduct

**LGNSW** - Local Government NSW

**LGWA** - Local Government Women's Association

**Local Travel Costs** - Car Hire, Any Fares -including but not limited to bus, train, tram, ferry, and or taxi fares, motorway or bridge tolls and parking costs

**Maximum** - The Determination's Maximum Annual Fee per s239 Act

**Minimum** - The Determination's Minimum Annual Fee per s239 Act

**Official Business** – Means functions that the 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:

- 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

**Regulations** - Local Government (General) Regulations 2005 (NSW)

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**Substitute** - A Councillor substituted to attend any conference in lieu of the chairperson or a nominated and authorise Councillor

**Tribunal** - The Local Government Remuneration Tribunal

**Year** - Means the financial year, that is the 12 month period commencing on 1 July each year

### 6 INTRODUCTION

- 6.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of GWCC.
- 6.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided
- 6.3. 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
- 6.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy
- 6.5. 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.

### 7 OBJECTIVES AND COVERAGE OF THE POLICY

- 7.1. Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- 7.2. Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- 7.3. Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- 7.4. Ensure facilities and expenses provided to Councillors meet community expectations
- 7.5. Support a diversity of representation
- 7.6. Fulfil the Council's statutory responsibilities

### 8 PRINCIPLES

Council commits to the following principles:



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

## 9 PRIVATE OR POLITICAL BENEFIT

- 9.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy
- 9.2. 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
- 9.3. Such incidental private use does not require a compensatory payment back to Council
- 9.4. Such incidental private use does not require a compensatory payment back to Council

## 10 EXPENSES

### 10.1. GENERAL EXPENSES

10.1.1 All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

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

### 10.2. SPECIFIC EXPENSES

#### *Annual Fees – Chairperson & Councillors*

10.2.1 **Fees Payable to Councillors** – Council shall, prior to 30 June each year, set by resolution, the Annual Fee to be paid, monthly in arrears, to a Councillor for the following year commencing 1 July, provided that such a fee shall be within the Minimum and Maximum. Such payment shall be subject to, and under any specific resolution of GWCC under Section 254A of the Regulations.

10.2.2 **Fees Payable to Chairperson** – Council shall prior to 30 June each year, set by resolution, the Chairperson's Fee to be paid to the Chairperson for the following year commencing 1 July, provided that such a fee shall be within the Minimum and Maximum. Such payment shall be subject to, and under any specific resolution of GWCC under Section 254A of the Regulations.

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10.2.3 **No deduction under this Policy from Fees** – Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities which may be provided under this Policy, shall be provided without reduction from the Annual Fees payable to Councillors and Chairperson's Fee payable to the Chairperson.

### *General travel arrangements and expenses*

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

10.2.5 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 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

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

10.2.7 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.

### *Overseas travel expenses*

10.2.8 In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid overseas trips unless direct and tangible benefits can be established for the Council and the local community.

10.2.9 Councillors seeking approval for any overseas travel must submit a case to, and obtain approval of, a full Council meeting prior to travel.

10.2.10 Bookings for approved air travel are to be made through the General Manager's office.

10.2.11 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*

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

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### *Accommodation and meals*

10.2.13 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 finished later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

10.2.14 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the GWCC distribution area.

10.2.15 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.

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

10.2.17 Councillors will not be reimbursed for alcoholic beverages.

### *Refreshments for Council related meetings*

10.2.18 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.

10.2.19 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 if the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

### *Conferences & Seminars*

10.2.20 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.

10.2.21 Approval for professional development activities is subject to a prior written request to the General Manager.

### *Conferences & Seminars*

10.2.22 The Chairperson, Councillors and Substitute may be nominated and authorised to attend conferences by:

- GWCC, through resolution duly passed in open session at a GWCC Meeting;

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- The Chairperson or Deputy Chairperson and General Manager jointly, acting within any delegated authority during Council recess;
- The Chairperson or Deputy Chairperson and General Manager jointly, where such conference is for one day or less or does not involve an overnight stay.
- The Chairperson or Deputy Chairperson and General Manager jointly nominate and authorise a Substitute to attend any conference in lieu of the Chairperson or a nominated and authorised Councillor.

10.2.23 The conferences to which this Policy applies shall generally be confined to:

- Local Government NSW (LGNSW), Local Government Women's Association (LGWA) and Australian Local Government Association (ALGA) Conferences and special "one-off" conferences called or sponsored by any of those associations.
- Annual conferences of the major Professions in Local Government.
- Australian Sister Cities Conference.
- Regional Organisation of Councils Conferences.
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- Conferences or Meetings of Organisations or Bodies to which a Councillor had been elected, or appointed as a delegate or member of GWCC, or the LGNSW, LGWA, or ALGA.

### *Accompanying person/s expenses*

10.2.26 GWCC shall meet the following costs of an accompanying person

- **Local Government NSW annual conference** – the costs of registration and any official conference dinners of the Chairperson or Councillor's accompanying person in attending the annual conference of Local Government NSW, but excluding any travel expenses, additional accommodation expenses and any optional personal tours which shall be the personal responsibility of the individual Councillor.
- **Other conferences** – Where the Chairperson or Councillor is accompanied at a conference, other than the Local Government NSW annual conference, all costs for, or incurred by, the accompanying person, including travel, any additional accommodation costs, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Chairperson/Councillor/accompanying person and not by GWCC.

10.2.27 Accompanying person's registrations, or program fees, etc. are to be paid to the conference organiser, at time of registration.

10.2.28 Where GWCC meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to GWCC by the Chairperson or Councillor/accompanying person within thirty days (30) of being invoiced for such expenditure.

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### *Information and Communications Technology (ICT) expenses*

10.2.29 Council will provide or reimburse Councillors for expenses associated with appropriate ICT devices and services. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.

10.2.30 Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:

- Receiving and reading Council business papers
- Relevant phone calls and correspondence\
- Diary and appointment management

10.2.31 Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.

### *Special Requirement and Carer Expenses*

10.2.32 A Councillor and Chairperson may claim for the reasonable cost of care arrangements, including childcare, care of elderly, disabled and/or sick immediate family members of the Councillor to undertake their GWCC business obligations.

10.2.33 A Councillor and Chairperson may claim reasonable expenses associated with the special requirements of a Councillor or Chairperson such as a disability and access needs to allow performance of normal civic duties and responsibilities.

### *Home office expenses*

10.2.34 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 at the approval of the General Manager.

## 11 INSURANCES

11.1 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.

11.2 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.

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

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### 12 LEGAL ASSISTANCE

12.1 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 and 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.

12.2 In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

12.3 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.

12.4 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.

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

### 13 GENERAL FACILITIES FOR ALL COUNCILLORS

#### *Facilities*

13.1 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:

- Councillor name badges and business cards

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- GWCC neck tie or scarf
- Secretarial services to facilitate the discharge of functions of civic office
- Email address provided to Councillors, as requested
- GWCC Personal Device

13.2 All equipment and furniture provided shall always remain in the possession of the Chairperson or Councillor during their term of office, and shall remain the property of GWCC and returned to GWCC in good operational order and condition upon ceasing to hold their position.

13.3 Should the Chairperson and/or Deputy Chairperson so choose, GWCC will provide a mobile phone and will pay half the "Services and equipment rental" costs in accordance with the agreed plan. Call costs in excess of the plan are the responsibility of the user. The Chairperson's and/or Deputy Chairperson plan contribution, and any call charges in excess of the plan, are to be deducted from the user's monthly member's fee payment.

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

### 14 APPROVAL, PAYMENT & REIMBURSEMENT ARRANGEMENTS

14.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

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

14.3 Monetary limits or standards of facilities/services where applicable are 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

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

#### *Direct Payment*

14.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy.

#### *Reimbursement & Advance Payment*

14.6 All reimbursements are subject to the provision of receipts and are on a per Councillor basis.

14.7 An advanced payment must be reconciled by the Councillor and acquitted for by receipts or refund.

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### 15 REPORTING REQUIREMENTS

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

### 16 APPROVAL ARRANGEMENTS

All approvals under this Policy shall be made by resolutions of GWCC or jointly by the Chairperson or Deputy Chairperson and the General Manager or as stated in the policy.

### 17 DISPUTE RESOLUTION

Where a dispute arises relating to the payment of expenses of the provision of facilities the following procedures will be applied:

#### *Councillor*

If a Councillor disputes the method in which this policy has been applied then the matter will be referred to the Chairperson for determination.

#### *Chairperson*

If the Chairperson disputes the method in which this policy has been applied then the matter will be referred to the full Council for determination.

### 18 BREACHES

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

18.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct.