

# Councillors' Expenses & Facilities Policy

Section 252, Local Government Act 1993

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## COUNCILLORS' EXPENSES AND FACILITIES POLICY

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## PART 1 - PRELIMINARY

### (i) Citation

This policy is in accordance with the requirements of the Local Government Act, 1993 and also the 'Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW' (issued by the NSW Department of Local Government), and may be cited as the "Councillors' Expenses and Facilities Policy".

### (ii) Commencement

This policy was initially adopted by Council on 15 February 1994.

### (iii) Scope

This policy provides for the payment or reimbursement of expenses and the provision of facilities by Randwick City Council to its Mayor and Councillors. It is also relevant to a Council Administrator if applicable and with necessary modifications.

### (iv) Purpose of the policy

To ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

### (v) Policy objectives

- To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor, Deputy Mayor and Councillors are appropriate to the importance of the Office and are consistently applied and transparent.
- To ensure that no Councillors suffer hardship by reason of meeting their civic responsibilities as an elected person.
- To adequately reimburse Councillors for expenses incurred in the performance of their duties, including expenses incurred in becoming adequately informed on subjects relevant to their civic duties.

This policy also aims to uphold and demonstrate the following key principles:

**Conduct**– Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act.

**Participations, equity and access**– the provisions of this policy are non-discriminatory and are to be used in an equitable manner to enable full participation by

Councillors from different walks of life. The provisions of the policy shall be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

**Accountability and transparency**– the details and range of benefits provided to the Councillors are to be clearly stated, fully transparent and acceptable to the local community.

**Reasonable expenses**– Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor. Only those entitlements specifically described in this policy shall be provided by Council.

### (vi) Reporting requirements

Section 428(2)(f) requires a council to include in its Annual Report:

- Council's policy on the provision of facilities for, and the payment of expenses to Councillors
- The total amount of money expended during the year on providing those facilities and paying those expenses
- Additional information as required by the Local Government (General) Regulation 2005.

### Additional annual reporting requirements:

Clause 217 of the Local Government (General) Regulation 2005 requires Councils to include the following, additional reporting information in their annual reports:

- The total cost of expenses and the provision of facilities for the Mayor and all Councillors
- The cost of the provision of dedicated office equipment allocated to Councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in the Councillors' homes (including line rental and internet access).
- The cost of phone calls including mobiles, home located landlines, facsimile and internet services
- Spouse/partner/accompanying person expenses (limited to the circumstances outlined on page 14 of the 'Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors for Local Councils in NSW')
- Conference and seminar expenses
- Training and skill development expenses
- Interstate travel expenses (including subsistence and out-of-pocket expenses)

- Overseas travel expenses (including subsistence and out-of-pocket expenses)
- Care and other related expenses (of dependants to enable a Councillor to undertake his or her civic functions).

### **(vii) Legislative provisions**

This policy is made under section 252 of the *Local Government Act, 1993* and in accordance with clause 403 of the *Local Government (General) Regulation 2005*.

Within five (5) months after the end of each year, a Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and the other Councillors in relation to discharging the functions of civic office.

Prior to adoption, public notice must be given and public submission invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the policy. Public notice is not necessary if the proposed changes are insubstantial, i.e. if there are only minor changes to the wording of the policy, changes to monetary provisions or rates that are less than 5% or minor changes to the standard of equipment and facilities to be provided. Public notice, however, is required prior to each annual adoption process even if there is no proposed change to the policy.

Within 28 days after adopting a policy or making an amendment to its Councillors' Expenses & Facilities Policy, Council is required to forward the following information to the Director-General of the Department of Local Government:

- A copy of the policy or amendment
- Details of all submissions received during the public exhibition period
- A statement setting out, for each submission, the Council's response to the submission and the reasons for the Council's response
- A copy of the public exhibition notice.

This policy does not provide for:

- the payment of any allowance in the nature of a general expense allowance;
- a motor vehicle owned or leased by the Council to be made available for the exclusive or primary use or disposition of a particular Councillor other than the Mayor;
- the used of Councillor expenses to support attendance by Councillors at political fund-raising functions.

### **(viii) Other Government policy provisions**

- Department of Local Government – Guidelines for payment of expenses and provision of facilities

- Randwick City Council's Code of Conduct
- Department of Local Government – Circulars to Councils
- Independent Commission Against Corruption (ICAC) publications.

Councillors should be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of Council resources (Guidelines 2) November 2002*. This publication is available on the ICAC website at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au).

### **(ix) Councillors' & Mayor's monthly allowance**

An annual fee is paid to each Councillor by Council. The fee is the amount fixed by Council under division 5 of part 2 of chapter 9 of the Local Government Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

The setting and payment of Councillor annual fees does not fall within the scope of this policy.

### **(x) Claims for reimbursement of expenses and approval process**

Claims for reimbursement of expenses under this policy shall be submitted within the financial year in which they were incurred or within three (3) months of incurring the expense(s), whichever is the later.

Claims shall be submitted to the General Manager or delegate and shall be accompanied by the reimbursement form attached to this policy. Tax invoices and receipts are to be supplied when available to support claims.

Reimbursement of significant or potentially contentious expenses under this policy will require prior approval at an Ordinary Council Meeting (eg. Legal expenses). Less significant expenses will require approval by the Mayor and the General Manager, or in the case of the Mayor's expenses, the Deputy Mayor and the General Manager (to avoid any one person being the sole decision maker with respect to reimbursements).

Claims for travelling expenses under this policy shall include details of:

- the date and place of departure
- the date and place of arrival
- distance travelled
- fares and parking fees paid
- the amount claimed as travelling allowances
- total amount of claim

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff under the Local Government (State) Award (or any document that succeeds that Award).

Where travelling outside the Sydney metropolitan area, travel can be undertaken by air. The amount payable for travel in a Councillor's own car shall be no more than the corresponding economy class air fare and taxi fares to and from the airport in question.

Council shall, where possible, pay expenses directly by account.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillors and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this policy, the Act and any other relevant law. The decision of Council shall be binding on all parties.

### **(xi) Payments in advance**

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training courses. However, Councillors must fully reconcile all expenses against the cost of the advance.

Within three (3) weeks of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The maximum value of a cash advance for attending conferences, seminars and training courses is \$150 per day, subject to a period of stay not exceeding the period for the conference, seminar or training course or authorised business plus one day each way for travelling.

### **(xii) Monetary limits**

The monetary limits prescribed in this policy set out the maximum amount that is payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillors. All monetary amounts stated are exclusive of GST.

The General Manger, however, has delegated authority to approve expenditure, within the guidelines of this policy, in exceptional circumstances, such as changes in technology or the like.

### **(xiii) Accompanying persons expenses**

Expenses of a Mayor or Councillor's spouse/partner and accompanying persons shall be met by Council in the following circumstances:

- a. Where the reasonable expenses of the spouse/partner have been met by the Mayor/Councillor; and
- b. The Mayor's/Councillor's spouse/partner has been officially invited to and has accompanied the Mayor/Councillor to a function/event; and
- c. The function relates to the discharge of the civic functions of the Mayor/Councillor; and
- d. The attendance of the Mayor's/Councillor's spouse/partner/accompanying person at the function(s) is considered reasonable necessary or appropriate in order for the Mayor/Councillor to fulfil his/her statutory role (e.g. Where the Mayor/Councillor is hosting a reception or the attendance of the Mayor/Councillor and his/her spouse/partner/accompanying person as official guests at a local function to which guests are invited with their respective spouses/partners/accompanying person and the Councillor is representing the Council at the function.

An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

This reimbursement does not extend to functions where the attendance of the Councillor's spouse, partner or accompanying person may be convenient, but could not be properly seen as relating to the discharge of functions of civic office (e.g. attendance at seminars, conferences and the like, with the exception of the Annual Conference of the Local Government Association).

The payment for spouses, partners and accompanying persons for attending appropriate functions (as detailed above) will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouse, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government Association's Annual Conference will be met by Council. These expenses are limited to the cost of registration and the official Conference dinner. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc. are the personal responsibility of individual Councillors.

Travelling expenses may be reimbursed when the spouse, partner or accompanying person of a Mayor, or a Councillor when they are representing the Mayor, when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor outside the Council area, but within the State. Examples could include charitable functions to which the Mayor has been invited and award ceremonies and other functions to which the Mayor is invited to represent the Council.

#### **(xiv) Provision of facilities generally**

Unless otherwise stated, where a facility may be provided by Council in accordance with this policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted management Plan and budget.

#### **(xv) Dispute resolution**

Where possible, approval is to be sought and gained prior to reimbursable expenses under this policy being incurred, and a pre-approved limit be advised if requested.

In the event of a dispute as to the reimbursement of expenses or the availability of facilities under this policy, the Mayor and General Manager jointly, will make a decision on the matter in dispute. If a dispute exists with the Mayor, the Deputy Mayor and the General Manager jointly will make a decision on the matter in dispute.

If any matter is still in dispute after the joint decision of the Mayor/Deputy Mayor and General Manager, then the matter in question will be referred to a full Council Meeting for determination.

## **PART 2 – TRAINING & DEVELOPMENT, CONFERENCES, SEMINARS & VISITATIONS (including Sister City relationships)**

### **(i) Training and development and conference and seminars within NSW**

(Note: training and development of Councillors is considered an area of priority. As such, it is not considered appropriate for an overall expenditure limit be set for this area)

Council encourages and supports the skills development of Councillors and educational courses that are directly related to Councillors' civic functions and responsibilities in order that Councillors have the resources needed to understand and undertake their role effectively and to facilitate continuing professional development opportunities.

- Councillors may attend conferences, seminars, targeted Councillor training courses, the Australian Institute of Company Directors' course, and accredited training and education courses within NSW without the approval of the Council.
- However, approval to attend conferences, seminars, targeted Councillor training courses, the Australian Institute of Company Directors' course and accredited training and education courses within NSW must be determined by the Mayor and the General Manager upon a written request by the individual Councillor wishing to attend a conference, etc. stating the reasons why he or she wishes to attend and what benefits it will bring to the Council.
- The Mayor may attend conferences in NSW as necessary without approval.
- The Mayor and Councillors may attend conferences, seminars and accredited courses outside NSW only with approval of the Council, and shall submit a written request for this purpose stating the reasons why he or she wishes to attend and what benefits it will bring to the Council.
- Further, all Councillors are eligible to attend the Annual Conference of the NSW Local Government Association and all female Councillors are eligible to attend the Annual Australian Local Government Women's Association's NSW Branch Conference.
- The council will pay all normal registration costs which are charged by organisers including the cost of related official luncheons, dinners and tours which are relevant to the interest of the Council or assist Councillors to discharge the functions of their civic office.
- Full economy airfare will be used by Councillors travelling to and from conferences with a flight time of up to two hours.
- For Councillors travelling to and from conferences with a flight time in excess of two hours, an appropriate class of travel for the positions of Mayor and Councillor will be determined and require the approval of the Mayor and General Manager.
- If a private motor vehicle is used the "mileage" allowance will be paid at the then current rate set by the NSW Local Government (State) Award (this is subject to the limit detailed in clause (xi) on page 7 of this policy).
- Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by the Council.
- Reasonable accommodation costs, including the night before and/or after the

conference where this is necessary, will be met by the Council for conferences and seminars outside the Sydney metropolitan area.

- Reasonable business out-of-pocket expenses will be reimbursed for costs associated with attending the conference, seminar, meeting or function. Reasonable out-of-pocket expenses will be limited to: parking fees; taxi fares; meals not included in the conference program and the reasonable cost of drinks accompanying a meal. Council will not meet the cost of laundry or the cost incurred for the use of a bar-fridge in a hotel room. This expense is subject to a reimbursement limit of \$150 per Councillor per day.
- Where the attendee is accompanied by his or her spouse/partner, the Council will not pay for any cost supplement involved in the accommodation. All costs for the spouse/partner (including travel, tours, meals etc.) are to borne by the attendee.
- Any visitations to, and travel and accommodation costs associated with, sister city arrangements by Randwick Councillors must be approved by a Council Meeting prior to acceptance of any invitations, and any gifts or benefits associated with such visits by both parties shall show full regard to the requirements of both Councils' Codes of Conduct.

#### **(ii) Interstate & overseas travel**

Council will pay the same expenses as detailed above (for conferences within NSW) for Councillors travelling interstate and overseas on Council business only if Council resolves (at a meeting of the full Council) that such travel be undertaken. The proposal will be considered at an Open Council Meeting through a report from the General Manager. Travel proposals will be included in Council business papers. The use of Mayoral Minutes to obtain approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

Council reports in relation to overseas travel are to indicate:

- the total cost of the travel and a break-down of the total cost into the following areas - transport, accommodation and out-of-pocket reimbursement of expenses per person (including any amounts expected to be reimbursed by participants).
- who is to take part in the travel;
- the length of the stay overseas;
- the purpose of the travel and the objectives to be achieved in undertaking the travel, including an explanation of what community benefits are expected as a result of the travel;
- where exceptional cases arise for overseas travel (i.e. the travel has not been documented in Council's adopted Management Plan) and travel has to be undertaken at short notice, the report to the

Council will include why the travel is considered to be exceptional.

If the trip is to be sponsored by private enterprise, ICAC guidelines and reporting structures shall be followed.

Incidental conference, seminar and visitation expenses include telephone and facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees and meals not included in any conference/seminar program. This expense is subject to a reimbursement limit of \$150 per Councillor per day.

#### **(iii) Sister City travel expenses**

Subject to the provisions of clause (ii) above, for travel specifically associated with visits to Council's sister cities, Council will pay for travel and accommodation for overseas visitations (if the host city does not pay such expenses). In addition, as a reciprocal arrangement, Council will pay for accommodation for sister city delegates visiting Randwick.

## **PART 3 - PROVISION OF FACILITIES & SPECIFIC EXPENSES FOR COUNCILLORS**

In addition to the Councillor's Fee (Allowance)<sup>1</sup> set by Council annually following determination by the Remuneration Tribunal, Councillors are entitled to receive:

#### **(A) Equipment and other items not required to be returned;**

- (i) A backpack (to a maximum value of \$80).
- (ii) Stationery items limited to letterheads, business cards (bearing coloured personal photographs if requested), "With Compliments" slips and envelopes for use on Council business. This expense is subject to a limit of \$1,500 per Councillor per year, with stationery, where possible, to be printed in-house by Council's print room\*
- (iii) A maximum of 300 Christmas Cards per Councillor per annum for use in a

<sup>1</sup> In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

Councillor's official role as an elected member. The cards to be arranged and ordered by Council staff in accordance with budgetary limits.

- (iv) The cost of postage associated with mail sent by Councillors, in the course of carrying out their civic duties, to their constituents will be borne by the Council to a maximum of \$600 per Councillor per annum, including the postage costs for the up to 300 Christmas cards supplied to Councillors in accordance with this policy\*

\* Note: Mass mail outs or letter box distributions to residents are not reimbursable under this policy as such mail outs/distributions are deemed to have a political component regardless of the subject matter. The maximum number of letters/flyers that may be distributed or posted to residents in relation to the one subject and using stationary, postage or other Council facilities under this policy is limited to 150.

- (v) Councillors' name badges.
- (vi) Secretarial support when required on Council matters.
- (vii) Cab charge facilities, use of a Council driver upon request or reimbursement for use of private vehicles (in accordance with the NSW Local Government (State) Award). Councillors will be reimbursed for out-of-pocket travel expenses incurred in attending approved training courses, conferences, seminars, Council or Council Committee Meetings, authorised Council inspections or other authorised business of the Council (including travel to any organisation to which a Councillor has been appointed as a delegate or any other activity that has been authorised by the Council. This expense is subject to a limit of \$2,000 per Councillor per year.
- (viii) Meals and refreshments following meetings of Council and its Committees – as arranged by the General Manager in accordance with budgetary limits.
- (ix) Access to Council's Policy Register and other necessary codes required for reference purposes.
- (x) A copy of the Local Government Act and Regulations, the Environmental Planning and Assessment Act and Building Code of Australia in the Councillors' Rooms.
- (xi) Subscription to resource material (including software apps and online subscriptions) which will assist in the performance of the role of a Councillor, subject to a limit of \$1,200 per Councillor per annum.

- (xii) Access to shared Councillors' Rooms in the Town Hall with appropriate furniture, fittings, business equipment and meeting supplies as determined by the General Manager in consultation with the Mayor.
- (xiii) Councillors may be reimbursed for the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations (including attending Council or Committee meetings), subject to a limit of \$1,200 per Councillor per annum.
- (xiv) Reimbursement for reasonable expenses incurred by a Councillor in attending functions if officially invited to functions/events representing the Council. This expense is subject to a limit of \$150 per Councillor per function.
- (xv) Expenses of the Mayor's spouse/partner and accompanying persons as detailed in clause (xii) on page 8 of this policy.
- (xvi) Corporate attire as considered appropriate by the General Manager and Mayor.
- (xvii) Access to an extranet service or Councillor webpage.
- (xviii) Ongoing membership of the Australian Institute of Company Directors. This expense is subject to a limit of \$500 per annum, plus the initial joining fee (as set by the Australian Institute of Company Directors).
- (xix) Attendance at Council, or Council sponsored, events free of charge, when such events are held at Council owned or Council managed venues. This expense is subject to a limit of \$300 per Councillor per annum.

## **(B) Equipment and other items required to be returned;**

- (i) A laptop computer, as per the current State Government Contract, with specification and configuration necessary to access and utilise appropriate Council systems. Laptops will be provided by Council with: Windows operating system; standard Microsoft Office package; anti-virus software; and facilities to enable dial-up to Council. No unauthorised or unlicensed software is to be installed on the laptops and Councillors are required to comply with Council's Communication Devices Policy for Councillors' at all times, when using Council's laptops –

the maximum cost for this equipment is \$4,000 per Councillor per term.

- (ii) A tablet style computer with specification and configuration necessary to access and utilise appropriate Council systems including an extranet service or Councillor webpage (as referred to in point (xvii) above). The tablet style computer will be provided with a data sim card with 29GB download capability at a cost of \$99 per month. No unauthorised or unlicensed software is to be installed on the tablet computer and Councillors are required to comply with Council's Communication Devices Policy for Councillors' at all times, when using the device – the maximum cost for the purchase of this equipment is \$1,500 per Councillor per term.

- (iii) The following office equipment to facilitate communication between Councillors, Council's administration and residents, with Council responsible for equipment, rental, maintenance, consumables and service charges and costs:

- a) A fax/phone/printer/copier/scanner unit incorporating handset and answering machine or equivalent as per the current State Government, and arranged/purchased by Council – the maximum cost for this equipment is \$1,500 per Councillor per term.

Council will arrange and pay for the installation of a telephone line at each Councillor's place of residence (if required) to facilitate the operation of the phone/printer/copier/scanner unit and meet all necessary installation and connection costs. A Maximum of \$200 per Councillor per month to be borne by Council for call costs;

- b) A mobile phone with rental and maintenance to be paid by Council, but with a maximum of \$300 per Councillor per month to be borne by Council for call costs. In addition, Council shall meet data costs in respect of mobile telephones up to a limit of \$150 per Councillor per month;
- c) A person pager and paging service. This expense is subject to a limit of \$200 per Councillor per month;
- d) An additional telephone landline (if required) with rental and call costs to be paid by Council, but with a maximum of \$200 per Councillor per month to be borne by Council for call costs;

- e) Council shall meet the cost of providing and maintaining an internet connection at each Councillor's place of residence. This expense is subject to a limit of \$100 per Councillor per month.

- (iv) Desktop shredding machine.

- (v) A standard cradle car kit for the Council supplied mobile phone.

The abovementioned "office equipment" to be updated periodically, as and when considered appropriate by the General Manager. Other ad hoc requests for home office equipment by Councillors may be submitted for consideration but can only be approved by both the Mayor and General Manager.

All equipment remains the property of Council and is returnable on a Councillor ceasing to hold office. However, Councillors not seeking re-election, resigning or after each general election any Councillor may request to retain/purchase these items. The General Manager shall consider each request and determine an appropriate price, having regard to Council's policy on disposal of "minor value" assets under the Disposal of Assets Policy and Procedures.

Payment for the purchase of the equipment must be made within 7 working days of the determined price being conveyed to the Councillor.

## PART 4 – PROVISION OF ADDITIONAL FACILITIES & SPECIFIC EXPENSES FOR THE MAYOR

In addition to the benefits provided to Councillors, the Mayor is entitled to a Mayoral Fee (Allowance)<sup>2</sup> which is set by Council annually following determination by the Remuneration Tribunal and:

### (A) Equipment and other items not returnable;

- (i) Mayoral name badges.
- (ii) Chauffeur services when required on Council matters.

<sup>2</sup> In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Mayor under which the Mayor agrees to forego all or part of his/her annual Mayoral Allowance in exchange for the Council making contributions to a complying superannuation fund on his/her behalf.

- (iii) Office accommodation in the Council Administration Building with appropriate furniture, fittings, business equipment and meeting supplies as determined by the General Manager in consultation with the Mayor and the provision of a refreshment cabinet in the Mayor's Office maintained and stocked by the Council within budgetary limits.
- (iv) Secretarial services provided from within Council.
- (v) A copy of the Local Government Act and Regulations in the Mayor's Office.
- (vi) Reimbursement for reasonable expenses incurred by the Mayor in attending functions or performing duties in the role of Mayor.
- (vii) Expenses of the Mayor's spouse/partner and accompanying persons as detailed in clause (xii) on page 8 of this policy.

#### **(B) Equipment and other items required to be returned;**

- (viii) Full private use of the Council's Mayoral vehicle (which is fully serviced and maintained by Council) and including the provision of a fuel card for the Council vehicle. Standard class vehicle shall be a Holden Senator (or similar class) sedan or equivalent, with conditions of use being generally in accordance with Council's "Private Use Policy" for motor vehicles.
- (ix) An allotted car parking space at the Council premises.
- (x) A mobile telephone (and Bluetooth car kit) with the rental and maintenance, to be paid by the Council, but with a limitation of \$400 per month as the maximum call cost to be borne by the Council.
- (xi) Use of the Mayoral Robes and Mayoral Chain of Office while acting in the official capacity of Mayor.

## **PART 5 - PROVISION OF ADDITIONAL FACILITIES & SPECIFIC EXPENSES FOR DEPUTY MAYOR**

In addition to the benefits provided to Councillors, the Deputy Mayor is entitled to a Deputy Mayoral Fee (Allowance)<sup>3</sup> which is set

<sup>3</sup> In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Deputy Mayor under which the Mayor agrees to forego all or part of his/her annual Mayoral Allowance in exchange for the Council making

by Council annually following determination by the Remuneration Tribunal and:

#### **(A) Equipment and other items not returnable;**

- (i) Deputy Mayoral name badges.

#### **(B) Equipment and other items required to be returned;**

- (ii) A mobile telephone with the rental and maintenance to be paid by the Council, but with a limitation of \$400 per month as the maximum call cost to be borne by the Council - with the proviso that the Deputy Mayor will only be provided with one mobile phone and the total call costs will be in accordance with this clause.

## **PART 6 - LIMITATION ON SPECIFIC EXPENSES FOR THE MAYOR AND COUNCILLORS**

### **(i) General travel arrangements**

All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

The driver of any vehicle (including the Mayor and Councillors) is personally responsible for all traffic and parking fines incurred while travelling in private or Council vehicles on Council business.

The reimbursement of travel expenses includes associated other costs such as parking and road tolls.

### **(ii) Private use of equipment and facilities**

The fees payable under this policy shall be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty program. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

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contributions to a complying superannuation fund on his/her behalf.

Where more substantial private use has occurred the Councillor must reimburse Council for the actual cost to Council of the private use in question.

Equipment, facilities and services provided under this policy shall not be used to produce election material or for any other political purposes.

The distribution, dissemination or publication, using any Council resources, of any Council newsletter or any other communication featuring the name or identity of any Councillor (including the Mayor) or any candidate for any Local Government election during the caretaker period, or any State or Federal election in the 30 days prior to the relevant election, or such other period as may be notified by the relevant government department, is strictly prohibited.

Notwithstanding the above paragraph, the Mayor is permitted to publish his or her "Mayor's Column" at all times during any State or Federal election, but subject to existing restrictions.<sup>4</sup>

## PART 7 – LEGAL ASSISTANCE

Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

In the particular circumstances outlined below, Council will indemnify or reimburse the reasonable legal expenses of:

- a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or
- b) 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; or
- c) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.

Investigative bodies include:

- Local Government Pecuniary Interest and Disciplinary Tribunal

<sup>4</sup> Policy position adopted (Nash/Matson) at the 28 May 2013 Council Meeting

- Independent Commission Against Corruption
- Office of the NSW Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- NSW Police Force
- Director of Public Prosecutions
- Council's Conduct Review Committee/Reviewer.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his/her term in office. An example of the latter is expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain. This type of expense is not reimbursable under this policy

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by the General Manager to a Conduct Reviewer/Conduct Review Committee to make formal enquiries into that matter in accordance with the procedures in Council's Code of Conduct. In the case of a pecuniary interest or misbehaviour matter, legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances.

Council will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances, except for appeals processes where a Councillor would be covered by the policy for the proceedings below.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

### (i) How to apply for reimbursement of legal expenses

The application for reimbursement of legal expenses should be made in writing to the General Manager.

An application for reimbursement of legal expenses may be made at any time after the expenses have been incurred. However, the decision as to whether to provide reimbursement will only occur once the investigative body has:

- confirmed in writing that it has completed the investigation(s) or hearing(s) or, where a Report is to be prepared pursuant to the relevant legislation, published its Report; and
- confirmed in writing that no adverse finding or recommendation has been made with respect to you.

*Note: "No adverse finding or recommendation" means no finding of corrupt conduct, maladministration or criminality (whichever is relevant given the relevant investigative body and the particular investigation or hearing being conducted).*

Council will need to pass a resolution that it is satisfied the discharge of your relevant duty or function was "bona fide," that is, in good faith or with an honest intent.

Where the General Manager is satisfied that your application has satisfied the other eligibility requirements, the General Manager will refer your application to Council for a determination as to whether it is satisfied your discharge of your duty (or duties) or exercise of your function (or functions) was "bona fide."

Where Council is not satisfied of the above, Council should provide reasons for its determination.

Where Council resolves that it is satisfied of the "bona fide" discharge of your duties or exercise of your functions as set out above, the General Manager may make a final determination, as an operational matter, as to whether reimbursement of legal expenses should occur under the Policy.

## PART 8 - INSURANCE/INDEMNITY

Section 382 of the Local Government Act 1993 requires a Council to make arrangements for its adequate insurance against public liability and professional liability.

The Mayor and Councillors will be provided with full indemnity against any action, liability, claim or demand, arising from the bona fide performance of their responsibilities, with the exception of defamation claims where the availability and extent of an indemnity shall be determined by Council, in its absolute discretion, after the claim has been disposed of by a final judgement in proceedings, withdrawn, settlement or compromise of proceedings or otherwise as the case may be, having regard to all circumstances that Council, in its absolute discretion, considers relevant.

Insurance provision for Councillors includes:

- Public liability (for matters arising out of Councillors' performance of their civic

duties and/or exercise of their Council functions;

- Professional indemnity (for matter arising out of Councillors' performance of their civic duties and/or exercise of their Council functions);
- Personal injury while on Council business. Note; Councillors are not covered by Workers Compensation payments or arrangements.
- Travel insurance for approved interstate and overseas travel on Council business.

All insurances are subject to any limitations or conditions set out in the Council's policy of insurance.

## PART 9 - CODE OF CONDUCT REQUIREMENTS

Council's Code of Conduct contains the following provisions that are relevant to this Councillors' Expenses & Facilities Policy:

### Use of Council resources

- 9.14 You must use Council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes....unless this is lawfully authorised and proper payment is made where appropriate.
- 9.16 You must be scrupulous in your use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.
- 9.17 You must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.
- 9.18 The interests of a Councillor in their re-election are considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, Council crests and other information that could give the impression it is official Council material must not be used for these purposes.
- 9.19 You must not convert any property of the Council to your own use unless properly authorised.



**APPENDIX A**

**CLAIM FOR REIMBURSEMENT OF EXPENSES  
BY COUNCILLORS**

I hereby submit my claim for reimbursement of expenses in accordance with the provisions of the Local Government Act and Council's Policy with respect to the Payment of Expenses & Provision of Facilities to Councillors.

**Name of claimant: Councillor.....**

Claim for reimbursement of expenses:

Date	Nature of Business	Nature of Claim	Amount claimed

Claim for reimbursement of travel expenses:

Date	Nature of business (include where the travel was to/from & the purpose of the travel)	Method of travel	Distance in Kms	Rate/Km	Amount claimed

**Total amount claimed and/or tax invoices: \$**

**Please note: Receipts must be attached to this claim form in order for reimbursement to be processed.**

Signature:.....

Date:.....

## APPENDIX B

### LIMITS ON EXPENDITURE TABLE

The monetary limits prescribed in this policy set out the maximum amount that is payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillors. All monetary amounts stated are exclusive of GST.

Clause	Expense / Facility	Amount	Frequency per Councillor
Pt 1 (xi)	Payments in advance for conferences, seminars & training courses	\$150	Per day
Pt 1 (xiii)	Accompanying person expenses	Direct cost	As incurred
Pt 2 (i)	Out of pocket expenses for conferences, seminars & training courses	\$150	Per day
Pt 2 (ii)	Incident expenses related to interstate and overseas travel	\$150	Per day
<b>Facilities</b>			
Pt 3 (A) (i)	Backpack	\$80	Per term
Pt 3 (A) (ii)	Stationary	\$1,500	Per financial yr
Pt 3 (A) (iii)	Christmas cards	300 cards	Per financial yr
Pt 3 (A) (iv)	Postage expenses	\$600	Per financial yr
Pt 3 (A) (vii)	Cab charge facilities, use of a Council driver upon request or reimbursement for use of private vehicles (in accordance with the NSW Local Government (State) Award).	\$2,000	Per financial yr
Pt 3 (A) (xii)	Carer's expenses	\$1,200	Per financial yr
Pt 3 (A) (xxi)	Subscription to resource material	\$1,200	Per financial yr
Pt 3 (A) (xiv)	Cost of attending functions (if representing the Council)	\$150	Per function
Pt 3 (A) (xviii)	Membership of the Australian Institute of Company Directors	\$500 (+ initial joining fee)	Per annum
Pt 3 (A) (xix)	Attendance at Council or Council sponsored events held at Council or Council managed venues	\$300	Per annum
Pt 3 (B) (i)	Laptop computer	\$4,000	Per term
Pt 3 (B) (ii)	Tablet style computer	\$1,500	Per term
Pt 3 (B) (ii)	Data sim card for tablet style computer	\$99	Per month
Pt 3 (B) (iii) (a)	Fax/phone/printer/copier/scanner unit	\$1,500	Per term
Pt 3 (B) (iii) (a)	Call costs associated with a telephone line at place of residence (if required) to facilitate the operation of the phone/printer/copier/scanner unit	\$200	Per month
Pt 3 (B) (iii) (b)	Mobile phone call costs	\$300	Per month (for all Councillors other than the Mayor)
Pt 3 (B) (iii) (b)	Mobile phone – data costs	\$150	Per month
Pt 3 (B) (iii) (c)	Paging service	\$200	Per month
Pt 3 (B) (iii) (d)	Additional telephone landline (if required)	\$200	Per month
Pt 3 (B) (iii) (e)	Internet connection at place of residence	\$100	Per month
Pt 4 (B) (x)	Mobile telephone (and Bluetooth car kit) call cost	\$400	Per month (for the Mayor only)