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## **PART 1 – INTRODUCTION**

### **1.1 Title**

This Policy will be known as the “Councillor Expenses & Facilities Policy”. It will commence operation from 20 October 2010 and will replace the “Councillor Expenses & Facilities Policy” adopted by Cessnock City Council on 7 April 2010.

### **Purpose of the Policy**

The Mayor and Councillors, in carrying out their civic responsibilities are required to attend a variety of functions in their capacity as a representative of Council, i.e. Council and Committee Meetings. They will also be expected to attend functions in a capacity where they may not directly represent Council but attendance is relevant to their effectiveness as a Councillor, i.e. Community Functions.

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable. The policy also ensures that the undertaking of civic duties does not financially disadvantage Councillors and enables participation by Councillors from different backgrounds.

### **Objectives and Coverage of the Policy**

The objectives of this policy are to:

- provide guidance to Councillors about the type and extent of expenses that can be claimed as they carry out their elected duties
- ensure that Councillors are able to effectively carry out their responsibilities as members of the Council without suffering financial hardships
- provide information about the provision of facilities that Council will provide for Councillors to carry out their elected duties

The policy will apply to the Mayor and Councillors of Cessnock City Council.

### **Making and Adoption of the Policy**

By 30 November each year Council will adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

Prior to adoption, community feedback will be sought on the draft policy for a period of at least 28 days. In adopting the policy, Council will consider any feedback received while the policy was exhibited. The policy will be adopted in an open Council meeting.

### **Reporting requirements**

Section 428(2)(f) of the Local Government Act 1993 requires a council to include in its annual report:

*The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of*

*councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition Section 428(2)(r) requires that councils must report on any other information required by the regulations.

In December 2006 additional reporting requirement provisions were incorporated into the Local Government (General) Regulation 2005.

Clause 217 of the Regulation (Additional information for inclusion in annual reports) states in part:

- (1) *For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:*
  - (a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),*
  - (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
    - (i) *the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs);*
    - (ii) *telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes;*
    - (iii) *the attendance of councillors at conferences and seminars;*
    - (iv) *the training of councillors and the provision of skill development for councillors;*
    - (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out - of - pocket travelling expenses;*
    - (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out - of - pocket travelling expenses;*
    - (vii) *the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director - General from time to time; and*
    - (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

In addition to the statutory annual reporting requirements, records will be maintained on the expenses incurred in accordance with this policy by the Mayor and Councillors.

## **Legislative Provisions**

Sections 252 - 254 of the Local Government Act 1993 relate to the making of this policy. Those sections state:

**Section 252 Payment of expenses and provision of facilities**

- (1) *Within 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 (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to 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.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the Regulations and any relevant guidelines issued under section 23A.*

**Section 253 Requirements before policy concerning expenses and facilities can be adopted or amended**

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director - General:*
  - (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - (b) *A statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
  - (c) *A copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy.*

**Section 254 Decision to be made in open meeting**

*The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.*

Section 12 of the Local Government Act 1993 provides that the public is able to inspect during

office hours at the Council, and at no charge, the current version and the immediately preceding version of the policy on Councillors expenses and facilities.

Section 23A of the Local Government Act 1993 makes provision for the Director - General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a Council of any of its functions. It also requires that a Council must take the relevant guidelines into consideration before exercising any of its functions.

**Finally, Clause 403 of the Local Government (General) Regulation 2005 states:**

*A policy under section 252 of the Act must not include any provision enabling a council:*

- (a) To pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) To make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

In the event of any inconsistency between the Policy and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

**Other Government Policy Provisions**

Other policy provisions which have been considered in the making of this policy include:

- the Department of Local Government Model Code of Conduct for Local Councils in NSW;
- the Independent Commission against Corruption publication “*No Excuse for Misuse*”;
- the Department of Local Government Guidelines for the Payment of Expenses and the Provisions of Facilities for Mayors and Councillors for Local Councils in NSW (2007); and
- the Department of Local Government Circular No. 05/08, Legal Assistance for Councillors and Council Employees (2005),
- the Department of Local Government Circular No. 08/24, Misuse of Council Resources,
- the Department of Local Government Circular No. 08/37, Council Decision Making Prior to Ordinary Elections.

**Approval Arrangements for Claiming Expenses and Use of Facilities**

To prevent a potential conflict, no one person should be the sole decision maker for the approval of significant expenditures under this policy.

Approval for discretionary trips and attendances at conferences and the like should be (where possible) approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager.

If the Mayor requires approval it should be given jointly by the Deputy Mayor and the General Manager.

## **PART 2 – PAYMENT OF EXPENSES**

### **2.1 General Provisions**

#### **2.1.1 Payment of Expenses Generally**

Reimbursement of any expenses will only be made where a formal claim for reimbursement is lodged. Claim forms should be submitted to the Corporate Administration Assistant within 30 days after the expense was incurred or the relevant tax invoice received.

##### *2.1.1.1 Allowances and Expenses*

Councillors are not expected to pay for expenses incurred in the discharge of their civic duties from their annual fee/allowance. The facilities required to fulfil the role of Councillor and associated expenses incurred will be provided and paid (subject to the provisions of this policy) in addition to the annual fee.

##### *Reimbursement and Reconciliation of Expenses*

Reimbursement of costs and expenses will only be made up on the production of appropriate receipts and tax invoices, and the completion of the required claim forms. Where receipts and tax invoices do not exist a copy of the Councillor's diary entry detailing the expenditure will be provided. Private information on tax invoices and logbook receipts (or a copy of same) may be deleted by blackpen. Expenses and costs incurred will only be paid in accordance with this policy.

Expenses will be reimbursed in conjunction with the Councillor's monthly fee.

##### *Payment in Advance*

Councillors may request payment in advance in anticipation of expenses to be incurred in attending seminars, conferences and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by this policy. Requests for advance payments should be made to the General Manager or the Finance & Administration Manager.

Councillors should fully reconcile all expenses against the cost of the advance payment within 14 days of the expense being incurred. No "allowance" type of payment will be payable in any circumstances.

#### **2.1.2 Establishment of Monetary Limits and Standards**

Identifying and publishing monetary limits allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where Councillors incur costs that are unforeseen or considered unreasonable by other Councillors and the public.

Where practical and appropriate this policy sets out the monetary limits for all the expense provisions available to Councillors and establishes the standards for the provision of facilities and equipment to be provided to Councillors.

### 2.1.3 Spouse, Partner and Accompanying Persons Expenses

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

There are limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions. In the following circumstances those costs will be reimbursed to the Councillor:

- (a) Reimbursement of the reasonable costs of spouses, partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within the local government area. Examples include Australia Day ceremonies, citizenship ceremonies, civic receptions, charitable functions for charities formally supported by the Council, service club annual change over functions, awards nights and debutante balls where partners are generally invited and the Mayor or Councillor attends as a representative of Council.
- (b) Reimbursement for the payment of expenses for the spouse, partner or accompanying person of the Mayor (or a Councillor when they are representing the Mayor) for attendance at an official function of Council or an official ceremonial duty while accompanying the Mayor outside the local government area but within the State. Examples 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.
- (c) Reimbursement of expenses, limited to the cost of registration and the official conference dinner, of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences. Travel expenses, any additional accommodation expenses and the cost of accompanying person tours etc would be the personal responsibility of individual Councillors.

Councillors' spouse, partner or accompanying person may attend seminars, conferences or the like with Councillors (any event or function outside the council area, including interstate and overseas), subject to any additional travel, accommodation, partner/accompanying person tours, sustenance costs, and the like being met by the individual Councillor concerned or his/her partner.

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

## 2.2 Specific Expenses for Mayors and Councillors

### 2.2.1 Attendance at Seminars and Conferences

1. Council will be responsible for the expenses of the Councillors attending conferences, seminars, training, meetings and official engagements and functions, where the Councillor has been authorized by the Council or the appropriate Committee, or is

- deputising for the Mayor.
2. Council will meet the direct costs associated with the conference, seminar, training course and the like. These costs may include registration fees, travel costs, accommodation, official lunches and dinners, and associated tours where they are relevant to the business and interest of Council.
  3. Council will pay for all meals for Councillors attending approved conferences or seminars, where any of those meals are not provided as part of the conference or seminar fee. Council will also pay the reasonable cost of beverages accompanying a meal. In addition incidental expenses such as telephone calls, internet charges, faxes, taxi fares, parking fees, refreshments and laundry and dry cleaning fees will be reimbursed by Council. A maximum of \$150.00 per Councillor per day will be reimbursed for expenses claimed under this provision. Councillors must provide appropriate documentation to support their claim.
  4. The maximum number of Councillors that may be authorised to attend a conference or seminar is three. However, this restriction on numbers will not apply to attendance by Councillors at the annual conference or a special conference of the NSW Local Government and Shires Association.
  5. A Councillor may attend a maximum of three conferences or seminars per year excluding the NSW Local Government and Shires Association annual conference.
  6. The Mayor is excluded from the limitations of this clause insofar as they may inhibit the Mayor's attendance at such events as part of the proper role of the Mayor.
  7. Requests for attending conferences shall be in writing outlining the benefits for Council. After returning from the conference, Councillors shall provide a written report to Council on the aspects of the conference relevant to Council business and/or local community. No written report is required for the Annual Conference of the Local Government and Shires Association.

#### 2.2.2 Training and Educational Expenses

Council will meet expenses related to formal training or educational courses attended by Councillors when the course directly relates to the Councillor's civic duties. These expenses would support and encourage an active learning process and skills development for Councillors.

#### 2.2.3 Arrangements

1. The General Managers Office will make all necessary arrangements for the attendance or participation of Councillors (and, where applicable, accompanying persons) at a conference, seminar or training course.

#### 2.2.4 Payment of Expenses by Delegates

1. Council will, where possible, pay expenses directly to the hotel, either by account or through a Corporate Credit Card if possible.
2. Councillors should be aware that it may be necessary for them to pay unexpected expenses. In order to obtain reimbursement for such expenses a claim for reimbursement must be submitted to the General Manager or Finance & Administration Manager on the appropriate form.
3. Once expenses of attending a conference/seminar/training course have been finalised, accounts will be forwarded to delegates for any expenses payable by them.
4. Such accounts are to be repaid in full within the Council's normal terms i.e. 30 days.
5. Any arrangements to finalise an account by periodic payment must only be approved by

Council.

#### 2.2.5 Conferences within the state

1. Councillors may attend local conferences and seminars with the approval of the General Manager and Mayor.
2. Approval to attend conferences, seminars, training and education courses outside the LGA is subject to a written request to the General Manager outlining the details of the proposed training or education, the benefits for Council and how it relates to the Councillor's civic functions and responsibilities.
3. Details of conferences, seminars and external training sessions outside the LGA that Councillors have indicated interest will be reported to the next Council meeting by the General Manager for determination by Council. The report must clearly state the specific advantages which would accrue to Council and the community by attendance of a Councillor.

#### 2.2.6 Conferences Interstate

1. Approval to attend conferences, seminars, training and education courses outside New South Wales (including the ACT) is subject to a written request to the General Manager outlining the details of the proposed training or education, the benefits for Council and how it relates to the Councillor's civic functions and responsibilities.
2. Details of conferences, seminars and external training sessions outside New South Wales (including the ACT) that Councillors have indicated interest will be reported to the next Council meeting by the General Manager for determination by Council.

#### 2.2.7 Overnight Accommodation

1. Where a conference, meeting or other Council authorised business necessitates overnight accommodation, Council will meet the reasonable costs for the Councillor.
2. Where a Councillor is accompanied by a spouse/partner, the sharing of accommodation is permitted, subject to Council not incurring any additional costs.
3. The standard of accommodation is to be a minimum of three (3) stars and is not to exceed four (4) stars except where a conference or seminar venue exceeds four (4) stars, or as determined by the General Manager.
4. Expenses are payable for the nights of the conference or seminar and the night before and after where necessary.

#### 2.2.8 Annual Limit

1. Each Councillor will have a minimum allocation of \$1,000 per year. However, the total amount available for Councillor attendance at conferences, seminars and training courses will be subject to annual budget limits.

#### 2.2.9 Concerts and Public Entertainment

1. Council will pay reasonable costs for tickets to events or functions for Councillors attendance that are directly related to the Councillor's civic functions and responsibilities.

#### 2.2.10 Local Travel Arrangements and Expenses

1. Council will reimburse Councillors for travel costs associated with attendance at Council, Standing Committee, Inspection Committee and Council approved Advisory and Management Groups meetings. In addition travel costs will be reimbursed where Councillors are representing Council as a delegate of Council on a local government related organisation or at Council approved meetings with government officials, community or private sector officials where the meeting relates to civic duties.
2. Travel arrangements 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.
3. Travel arrangements could include the use of a private vehicle and provision for the use of public transport, taxis, hire cars, travel using a council vehicle and associated other costs such as parking and road tolls.
4. When a Council vehicle is allocated to a Councillor for use on council business, only a Councillor, a staff member or a licensed driver authorised by the Councillor should operate the vehicle.
5. Where a council vehicle is provided, Council will reimburse the Councillor for any incurred fuel, oil, parking fees or similar vehicle costs.
6. The driver of a vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

#### 2.2.11 Private Vehicle Expenses

1. Where a Councillor is required to utilise his/her own private vehicle in connection with approved Council business, he/she will be paid a rate per kilometre equivalent to the appropriate engine capacity rate of an employee's vehicle as contained in the Notional Agreement Preserving the Local Government (State) Award 2004. Claims for private vehicle usage are to be submitted to the Finance & Administration Manager within 30 days of the use of the vehicle:
  - i. Councillors are entitled to be paid the expenses for travelling to attend Council and Council Committee meetings, and for other inspections and official functions within the area as formally approved by the Mayor or Council. The amount payable will be based on the distance to and from the meeting etc by the shortest practicable route.
  - ii. When inspections have been approved by Council and arranged by staff it would be reasonable for Councillors attending the inspections to meet at the Council Administration Building and travel by Council vehicles to and from such inspections wherever possible.
2. Travelling and/or other expenses are not payable where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or the Mayor.
3. Where a Councillor uses their private vehicle to attend an approved conference or seminar outside the Hunter region, the total claim for use of the vehicle must not exceed the cost of air travel at the specified class, plus the taxi fares to and from the airports.

If Councillors are required to use their own vehicles, they should advise their comprehensive insurance provider that the vehicle will be used on council business.

#### 2.2.12 Travel outside the LGA including Interstate and International Travel

Prior approval of Council is required for interstate travel. The application for approval should

include full details, including itinerary, costs and reasons for the travel.

Council will not approve international visits unless direct and tangible benefits can be established for the council and the local community. A detailed proposal for overseas travel should be developed, including nomination of the Councillor(s) undertaking the trip, the purpose, expected benefits, duration and the approximate total cost.

*2.2.12.1 Domestic Travel*

- a. Council will pay reasonable expenses for domestic travel related to the functions of Council.
- b. Councillors may choose the mode of transport which is most appropriate to the circumstances, subject to overall economy and convenience. All travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport.
- c. Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs including the costs of other persons accompanying the Councillor.

*2.2.12.2 Class of Air Travel - Domestic*

- a. Unless otherwise specified in a Resolution of Council, the class of air travel to be used by a Councillor is to be:
  - i. for continuous journeys of less than or equal to two hours duration, economy class;
  - ii. for continuous journeys exceeding two hours, business class; and
  - iii. the Mayor, and other Councillors accompanying the Mayor, may travel Business Class.
- b. A journey which is interrupted by an overnight stop-over is not a continuous journey.
- c. In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been available and followed at the same class of travel as was actually used. A claim for expenses must not exceed the amount actually paid.

*2.2.12.3 International Travel*

- a. Detailed proposals for overseas travel, including the benefits to Council, a list of associated costs and anticipated expenses must be included in the Council business papers and approved by a meeting of Council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis.
- b. Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs including the costs of other persons accompanying the Councillor.
- c. Council will not allow the retrospective re-imburement of overseas travel expenses unless prior authorisation of the travel has been obtained.

*2.2.12.4 Class of Air Travel - International*

- a. Unless otherwise specified in a Resolution of Council the class of international air travel to be used by a Councillor is to be business class.
- b. In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been taken.

2.2.12.5 *Train Travel*

- a. Train travel may be first class, including sleeping berths where necessary.

2.2.12.6 *Transfers*

- a. Taxis, coaches and other transfer transport expenses, including at the destination point, may be reimbursed for approved travel.

2.2.12.7 *Reports on Attendance*

- a. After returning from overseas, Councillors, or an accompanying member of council staff, will provide a detailed written report to a Council meeting within 30 days on the aspects of the trip relevant to council business and/or the local community.
- b. If an overseas trip is to be sponsored by private enterprise, ICAC guidelines and reporting structures will be followed.

2.2.13 Telephone Costs and Expenses

1. One mobile telephone (with Next G technology or equivalent and GPS capability) and in car kit will be provided to each Councillor, at Council's cost, for the use of Councillors to facilitate the conduct of Council business with constituents and Council officers.
2. One land line will be installed and maintained at Council expense, if required, in the Councillor's home with phone, fax and broadband internet capabilities.
3. All equipment provided under clauses 1 and 2 will be Council standard.
4. Council will pay rental and service charges for fixed phones/fax and up to \$100 in total per month for home phone fax calls and mobile phone costs for each Councillor.
5. Where Councillors choose not to accept Council provided phones, they will be entitled to claim reimbursement of expenses for the use of their own mobile phone and home or private phone where these phones are used for Council purposes. Payment in such cases will be limited to the amount provided to Councillors using Council provided phones.
6. Any excess usage costs above the limits set will be paid for by the Councillor.

2.2.14 Internet

1. Councillors will be supplied with a Wireless Internet Modem supplied by Council's contracted telecommunications provider with a data allowance of 5GB per month.
2. A Council supplied email address will be provided with access provided by webmail.
3. Councillors are entitled to claim an allowance for the use of their own internet service for Council purposes where an internet service is not provided by Council.
4. Internet service charges and usage costs are not to exceed \$1,068 per Councillor per annum. Usage above this amount will be at the Councillor's own expense.
5. Councillors are bound by the same internet usage policy as Council Staff.

2.2.15 Care and other Related Expenses

1. Council will reimburse Councillors 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. The provisions for these expenses are as follows:

- (a) Childcare expenses for children up to and including the age of 16 years are payable when a Councillor attends:
    - i. Council meetings, committee meetings, sub-committee meetings, inspections, formal briefing sessions and civic or ceremonial functions convened by the Mayor or Council;
    - ii. meetings scheduled by Council or the Mayor;
    - iii. meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
    - iv. a meeting, function or other official role as a representative of the Mayor or Council; and
    - v. functions where the payment of child care expenses has been approved by the General Manager.
  - (b) Expenses are paid to registered carers or approved childcare services up to one hour before and one hour after such functions set out above (based on advertised starting time).
  - (c) Carer expenses may consist of:
    - i. occasional child care centre fees;
    - ii. hourly fees;
    - iii. agency booking fees (if claimed); and
    - iv. reasonable travelling expenses (if claimed by the carer).
  - (d) A maximum amount of \$3,600 per year per Councillor will be paid in accordance with this provision.
2. Claims must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion.

#### 2.2.16 Insurance Expenses and Obligations

1. Council shall meet the cost of providing the following insurance cover for Councillors on a 24 hour basis while discharging the functions of civic office including attendance at meetings of external bodies as Council's representative:
- (a) Councillor's and Officer's Insurance.
  - (b) Public Liability insurance.
  - (c) Professional Indemnity insurance (including as to legal costs).
  - (d) Personal Accident insurance.
  - (e) Travel insurance.
2. Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

#### 2.2.17 Legal Expenses and Obligations

1. In accordance with clause 2.2.16(c), Council shall maintain appropriate Professional Indemnity Insurance to cover legal expenses incurred by a Councillor:
- (a) Defending an action arising from the performance in good faith of a function under the Act.
  - (b) 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.

- (c) In 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.
- 2. Council shall, on request from a Councillor, make application to Council's insurer for reimbursement of legal expenses incurred by a Councillor in the actions listed in clause 1.
- 3. If Council's insurer agrees to reimburse a Councillor's legal expenses, Council shall ensure that such reimbursement is directed to the Councillor. A Councillor may only accept reimbursement of actual legal costs incurred.
- 4. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be 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 by using knowledge of a proposed rezoning for private gain is not covered by this provision.
- 5. Council shall not meet any Councillor's legal costs where Council's insurer has declined to reimburse such legal expenses, or where such costs are not within the scope of Council's insurance cover.
- 6. Council shall not meet any costs of any action (including in defamation) taken by a Councillor as plaintiff in any circumstances and shall not meet the costs of a Councillor seeking advice including in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- 7. Council shall not meet any Councillor's costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.
- 8. Council shall not meet any Councillor's costs of any Code of Conduct allegation, investigation, enquiry or censure.

#### 2.2.18 Giving a Gift or Benefit

- 1. In circumstances where it is appropriate for Councillors to give a gift or benefit (for example, on a Council business related trip or when receiving visitors), these gifts and benefits should be of token value.

### **2.3 Superannuation Contributions**

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.

### **2.4 Tax and Other Deductions**

1. The Council may deduct tax instalment deductions and other deductions from Council allowances on a voluntary basis, where authorised in writing by the relevant Councillor or Mayor.
2. The deduction of such tax instalments from Council allowances does not jeopardise the non-employee status of the Councillor or Mayor.
3. No liability attaches to the Council merely from the act of deducting voluntary tax instalments for Fringe Benefits Tax, Superannuation Guarantee Contributions etc.
4. Amounts owing by a Councillor relating to fees or expenses for overpayments, reimbursements and/or accompanying partner's expenses may be deducted from amounts due to the Councillor under this policy.

### **Additional Mayoral Expenses**

In addition to those expenses reimbursed to Councillors, the Mayor will be:

- (a) reimbursed childcare costs to permit the carrying out of civic and ceremonial functions for a maximum five (5) hours per week. This is in addition to childcare reimbursement made to Councillors.
- (b) entitled to a total (inclusive of the amount as a Councillor) of \$3,000 for home or business telephone/home or business fax expenses where such phones and faxes are used for Council purposes.

## **PART 3 – PROVISION OF FACILITIES**

### **3.1 General Provisions**

#### **3.1.1 Use of Council Resources**

1. Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their public duties, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
2. Councillors must be scrupulous in their use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.
3. Councillors must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for the Councillor's own or any other person or body's private benefit or gain.
4. Councillors must not convert any property of the Council to their own use unless properly authorised.

#### **3.1.2 Provision of Facilities Generally**

1. Facilities, equipment and services are provided to Councillors to support them in undertaking their role as elected members of the Council. The specifications for such facilities and services will be consistent with the standard of equipment provided to professional officers within Council.
2. For any Councillor with a disability, Council may resolve to provide reasonable additional facilities, in order to allow that Councillor to perform their civic duties.
3. All equipment and stationery provided under this policy is to be sourced by Council and not individual Councillors;
4. The Councillor will be responsible for the good care and proper use of Council equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.

#### **3.1.3 Private Use of Equipment and Facilities**

1. Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other loyalty schemes. However, Council acknowledges 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.
2. Where more substantial private use does occur a payment may be made to cover the level of that private use (refer s252 (2) of the Local Government Act, 1993).
3. Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.
4. The interests of a Councillor in their re-election is considered to be a personal interest. Councillors may not claim reimbursement of travel expenses incurred on election matters.
5. Council letterhead, Council Crest and other information that could give the impression it is official Council material must not be used for election purposes.

### **3.2 Provision of Equipment and Facilities for Mayors and Councillors**

#### **3.2.1 Access to Council Offices**

1. Councillors will be provided with a security device that enables entry to sufficient of Council's offices to gain access to the Councillors' Room, Council Chamber, Ante Room and public areas of Council's Administration building during normal business hours and for meetings. Councillors requiring access at other times must obtain authority from the General Manager.
2. The security device remains the property of Council and must be returned to Council upon the person ceasing to hold office.
3. Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) as provided in the Code of Conduct.
4. Councillors must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

### 3.2.2 Car Parking

1. Councillors will be provided with official Council identification to identify their private vehicle.
2. Councillors may use the designated "Councillor" car parking spaces within the executive parking area of the Council Administration Building.

### 3.2.3 Shared office accommodation

1. Councillors are entitled to the use of shared office accommodation within the Council Administration Building suitably equipped with office furniture, telephone, computer terminal, shared photocopying and facsimile equipment.
2. Tea and coffee making facilities are available in the kitchen opposite the Councillors Room.

### 3.2.4 Use of interview rooms

1. Councillors may access interview rooms within the Council Administration Building or other Council buildings from time to time to allow Councillors to meet with residents. Room bookings should be made through the General Manager's Office.

### 3.2.5 Administrative Services

1. Subject to arrangement with the General Manager, staff assistance will be provided as required for matters relating to Council business. Assistance may be in the form of secretarial support, delivery of materials from Council and catering for meetings.

### 3.2.6 Stationery

1. Council will provide, upon request, the following stationery to Councillors to be used only on Council business:

- Councillor letterhead stationery
- Lockable filing cabinet
- Writing Pads
- Envelopes
- With compliments slips
- Box Files

- Business Cards
  - Writing Pens
  - Diary
  - Postage for associated mailing of official correspondence
2. Council will meet the Councillor's cost of posting correspondence in response to representations from residents and ratepayers of the City and other correspondence necessary for the purposes of the Councillor's civic office. In this regard, Councillors may use Council's normal in-house mailing facilities but any reasonable request for postage stamps will also be met up to a limit of **\$100** per annum.
  3. The limitation on mail items does not apply to the Mayor.

#### 3.2.7 Corporate Dress

1. Councillors will be provided with access to the Corporate Wardrobe under the same arrangements as Council staff, ie reimbursed of one third of the cost up to a maximum of \$250 per annum.

#### 3.2.8 Insignia

1. Councillors will be provided badges and name plates appropriate to the position of Councillor.

#### 3.2.9 Meals and Beverages

1. Food and beverages will be provided for Council meetings, Council Committee meetings, other official Council Committees, Councillor briefings, and approved meetings or engagements, and official Council functions as approved by the Mayor and General Manager in accordance with clause 20.9 of Council's Code of Meeting Practice.
2. Councillors will be reimbursed reasonable out-of-pocket expenses incurred whilst entertaining visiting dignitaries on behalf of Council. The Mayor and General Manager must give prior approval to any such entertainment.
3. As part of normal protocol, on limited and appropriate occasions arising from an invitation of the Mayor or General Manager, the Council will meet the reasonable cost of any meals and refreshments of the Mayor's/Councillor's partner at a Council arranged function within Council's boundaries such as Civic Receptions and the like where it is appropriate that a partner attend.

#### 3.2.10 Information Technology Resources

Information technology resources are currently defined as computer equipment, including laptop computers and printers, including those connected to any Council network, facsimiles, internet, intranet, mobile telephones, pagers, telephones, digital cameras and blackberries. Access to these facilities may be provided in Council's offices.

Some information technology resources may be provided in the Councillor's place of residence for use on Council business. Such resources will remain the property of the Council.

Computer services and equipment provided to Councillors are:

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- Multifunction fax, copier and printer to a maximum value of \$500.
- Notebook computers with specifications and configurations consistent with the standard of equipment provided to professional officers within Council, at a standard set by the General Manager.
- Paper shredder.

All service charges, usage costs and consumables for these Council resources will be paid by Council.

Councillors provided with a laptop computer are required to subscribe to Council's "Internet Usage Policy".

### 3.2.11 Councillors Use of Private Home Computer Equipment

1. Where a Councillor uses their own laptop for Council business in place of a Council supplied laptop, they can apply to be reimbursed the equivalent value of the Council laptop. This will be available once during each term of Council.
2. Where Councillors use their own home computer and equipment, Council will pay 50% of a standard broadband connection rental and 50% replacement printer cartridges.
3. If a Councillor uses his/her own internet service, then costs will be reimbursed to the limit of the Council provided internet service available to other Councillors.

### **Provision of Additional Equipment and Facilities for the Mayor**

In addition to those facilities provided to the Councillors, the Mayor, in carrying out the duties of that office, is entitled to receive the benefit of the following facilities, subject to conditions, without reduction of fees payable under s248 and/or 249 of the Act.

#### 3.3.1 Mayoral Motor Vehicle

The Mayor will be provided a suitable and appropriate Mayoral vehicle (including fuel card) for civic and private use. The Mayor's vehicle will be maintained and replaced in accordance with the Motor Vehicle Policy.

#### 3.3.2 Car Parking

The Mayor will be assigned a designated "Mayor" car parking space within the executive parking area of the Council Administration Building.

#### 3.3.3 Mayoral Credit Card

Council will provide the Mayor with a credit card facility for use in the conduct of the Civic Office of Mayor.

#### 3.3.4 Office Facilities

Council will provide an appropriately furnished office suite within the Council Administration Building, available for exclusive use by the Mayor.

- (a) *Office refreshments* – will be provided in the Mayoral Office for entertainment purposes.
- (b) *Stationery* – Council letterhead, envelopes and stationery generally.

#### 3.3.5 Secretarial Support

Council will provide secretarial and support services associated with the duties of the office of the Mayor.

#### 3.3.6 Mayoral Robes and Chains

Mayoral robes and chains and other insignia of office will be provided to the Mayor to be worn at civic functions.

### **3.4 Information Technology Resources**

The Mayor may be provided with Council standard information technology resources with all Council business charges and usage costs being paid by Council.

#### **3.4.1 Office Equipment**

Provision of appropriate office equipment such as desktop computer, facsimile machine and photocopier.

#### **3.4.2 Personal Digital Assistant (PDA)**

Council will provide a personal digital assistant such as a Blackberry, with approved accessories for the use of the Mayor, including monthly service fees.

## **PART 4 – OTHER MATTERS**

### **Acquisition and Returning of Facilities and Equipment by Councillors**

The property provided to Councillors remains the property of Council. Councillors must return all the property on completion of the term of office, extended leave of absence or at the cessation of their civic duties.

Upon ceasing his or her role as a Councillor, the Councillor may request to purchase the item of equipment. The General Manager will consider each request, and if the equipment is for sale, the General Manager will determine an appropriate purchase price based on fair market value.

#### **4.2 Dispute of non-payment of expenses**

1. If the determination is made that a Councillors' expense claim should not be paid under the provisions of this policy, the General Manager will explain the decision in writing.
2. Should the Councillor not agree with the decision made by the General Manager it will be considered that a dispute exists.
3. In the event of a dispute, the parties in dispute will each prepare a report to be submitted by the General Manager to the next available open meeting of Council.
4. The dispute will then be determined by a resolution of Council having regard to the reports and the provisions of this policy.

#### **4.3 Safety Equipment**

1. Council will provide each Councillor with protective apparel for on site inspections. Such apparel shall include:
  - Hard hat
  - Fluorescent safety vest
  - Safety eyewear
  - Safety footwear
  - Sunscreen
2. Council will replace any worn item of protective apparel as needed.

#### **4.4 Status of the Policy**

This policy will remain in force until 30 November 2012 unless it is reviewed beforehand by the Council in accordance with the provisions of section 253-254 of the Local Government Act 1993. The policy replaces the previous policy as adopted 20 October 2010.