

## **8.2. Expenses and Facilities for the Mayor and Councillors - Policy for public exhibition**

**AUTHOR:** Shane Sullivan, Executive Manager Governance

**ENDORSED BY:** Shane Sullivan, Executive Manager Governance

### **ATTACHMENTS:**

1. Draft Councillor Expenses and Facilities Policy for purpose of public exh [8.2.1 - 17 pages]

### **PURPOSE:**

The purpose of this report is for Council to consider a revised Councillor Expenses and Facilities Policy for the purpose of public exhibition.

### **EXECUTIVE SUMMARY:**

Under section 252 of the Local Government Act 1993 (the Act) a Councillor Expenses and Facilities policy must be adopted within 12 months of the commencement of a new term.

In June 2017, the Office of Local Government (OLG) provided councils with a better practice template policy for Councillor Expenses and Facilities. The intent of the template policy is to ensure compliance with the OLG Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW, enable easy understanding of the maximum limits available and allow for comparison of provisions across Councils.

A revised North Sydney Council policy has been developed using the OLG template and is attached. Due to the significant changes it has not been possible to present the former policy with track changes. As far as practicably, changes to the template policy have been tracked in the attached with deletions in strikethrough and additions in purple text.

It is recommended that Council adopted the attached draft policy for the purpose of public exhibition in accordance with section 253 of the Act.

### **FINANCIAL IMPLICATIONS:**

There is current provision within the 2022/23 Budget for the provision of expenses and facilities under this policy. No changes to the budget allocations are recommended at this time. Any budget changes will be reported to Council following the public exhibition period where Council will consider final adoption of the Policy.

The relevant budgets will continue to be monitored with any requirements for additional funding to be managed through the quarterly budget review process.

### **RECOMMENDATION:**

**1.THAT** Council adopted the attached draft Councillor Expenses and Facilities policy for the purpose of public exhibition for a period of 42 days.

**2.THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting a Councillor Expenses and Facilities Policy.

## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Strong civic leadership and customer focussed services

## BACKGROUND

Under section 252 of the Local Government Act 1993 (the Act) a Councillor Expenses and Facilities policy must be adopted within 12 months of the commencement of a new term.

In June 2017, the Office of Local Government (OLG) provided councils with a better practice template policy for Councillor Expenses and Facilities. The intent of the template policy is to ensure compliance with the OLG Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW, enable easy understanding of the maximum limits available and allow for comparison of provisions across Councils.

The attached draft policy has been developed with consideration given to current North Sydney Council practice and provisions, and a comparison with NSROC Councils.

A briefing was conducted with Councillors on 18 July 2022 for the purpose of providing background on the policy and current North Sydney Council provisions.

## CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

## DETAIL

### *Changes to articulate limits and revised limits*

While the policy has been updated to clearly set out the maximum limit amounts by category, the following is provided to show the current provision and the proposed provision:

Expense or facility	Current provision	Recommended MAXIMUM
General travel expenses	Calculated as per Award Budget provision: \$1,000	Calculated as per Award \$500 per Councillor per year
Interstate, overseas and long distance intrastate travel expenses	Included in delegate expenses budget provision: \$10,000	\$5,000 for all Councillors per year

<b>Expense or facility</b>	<b>Current provision</b>	<b>Recommended MAXIMUM</b>
Accommodation and meals	Budget provision: \$3,000 2021/22 Budget provision: \$9,600 2022/23	As per the NSW Crown <i>Employees (Public Service Conditions of Employment) Reviewed Award 2009</i> , adjusted annually \$9,600 for all Councillors per year
Professional development	Budget provision: \$18,000 for 2022/23 Budget provision: \$30,000 for 2021/22	\$18,000 for all Councillors per year \$30,000 for all Councillors the year following induction
Conferences and seminars	Budget provision: \$18,800 for 2022/23 Budget provision: \$10,000 for 2021/22 Budget provision: additional \$2,500 for Mayor	\$22,500 for all Councillors per year \$2,500 additional for Mayor per year
ICT expenses	Budget provision: additional \$2,000 for Mayor Direct provision of equipment	\$60 per month per Councillor \$2,000 additional for Mayor per year Direct provision of equipment to Councillors following the conduct of the election
Carer expenses	Budget provision: \$2,000 \$85 for four hours	\$2,000 per Councillor per year
Home office expenses	Limit of \$300 for toner per year Budget provision: \$1,000 per year	\$300 per Councillor per year
Postage stamps	Provided through Council mail system	Provided through Council mail system
Christmas or festive cards	Not provided	Access to an e-card as appropriate
Council vehicle and fuel card	Available to the mayor	Available to the mayor
Reserved parking space at Council offices	Provided to the mayor Parking permit provided to Councillors	Provided to the mayor Parking permit provided to Councillors
Furnished office	Provided to the mayor	Provided to the mayor
Number of exclusive staff supporting Mayor and Councillors	EA to the Mayor Support to Councillors through Council and Committee Services (non exclusive staff)	EA to the Mayor Support to Councillors through Council and Committee Services (non exclusive staff)

*Recommended changes to the template policy*

As far as practicably, the OLG better practice template policy has been used. The following table sets out the instances where there has been a change to the template policy and the reason for that change:

<b>Clause</b>	<b>Change</b>	<b>Commentary</b>
Multiple	Updated to reflect amounts	The template policy has place markers to be updated once maximum amounts are determined.

Clause	Change	Commentary
2.6	Added reference to Superannuation payments	To reflect current North Sydney provision. Not in template policy as it reflects recent legislation change.
5.2	Remove example of personal use	Example is dated and not necessary.
5.5	Add email address to official resource	Added in accordance with Council resolution of 23 August 2021
7.1	Add <i>sustainable</i> to mode of transport	Added to reflect commitment to sustainability
7.3	Add current to description of Award	Added to be more specific and allow changes in Award
7.13	Change to Council and Committee Services	Updated to reflect North Sydney practice
7.22	New clause - attending council events	To reflect current North Sydney provision. Other Councils have a similar provision to encourage civic participation by Councillors.
7.23	New clause - attending civic related functions	To reflect current North Sydney provision. . Other Councils have a similar provision to encourage civic participation by Councillors.
7.24	New clause - events for which a table is purchased	To reflect recent North Sydney practice. . Other Councils have a similar provision to encourage civic participation by Councillors.
7.34	New clause - LGNSW Conference	To reflect recent North Sydney practice
7.34	New clause - LGNSW Conference spouse attendance	Other Councils have a similar provision to encourage civic participation by Councillors.
7.35	New clause - spouse or partner attendance	To reflect current North Sydney provision
7.39	New clause – email address	Added in accordance with Council resolution of 23 August 2021
7.47	New clause - direct provision of printer cartridges etc	To reflect recent North Sydney practice.
10.1(d)	New clause - provision of parking permit	To reflect North Sydney practice.
10.2	Amended clause to provide for meeting rooms	New proposed North Sydney provision
10.4	Deleted as not required	To reflect current North Sydney provision with regard to postage stamps
10.4	Amended regarding postage and e-card	To reflect current North Sydney provision and process for cards
11.1	Amended to allow Mayor not to take the vehicle	To reflect recent North Sydney practice
11.3	New clause - Mayor's vehicle as pool vehicle	To reflect current North Sydney provision
11.7	New clause - Mayor's phone calls reimbursed	To reflect current North Sydney provision
12.5	Updated to include correct title	To reflect North Sydney practice
12.6	Updated to include correct title	To reflect North Sydney practice
12.9	Updated to include correct title	To reflect North Sydney practice

Clause	Change	Commentary
12.16	New clause - lead up to election and claims	To reflect reasonable practice
17	Amended to provide for audits in accordance with audit plan	Every two years may not be reasonable with resources and may not align to the endorsed audit plan.

### *Catering provision*

At its meeting held 21 February 2022, Council resolved as follows in considering a motion regarding the provision of Council suppers:

**THAT** consideration of this matter be deferred subject to a report to Council on the costs.

The draft Policy provides the following with regard to provision of catering to Councillors, drawing from the template policy:

*Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the General Manager.*

*As an indicative guide for the standard of refreshments to be provided at council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.*

The current monetary rates provide for the following:

- Breakfast: \$28.70
- Lunch: \$32.30
- Dinner: \$55.05

Council obtained estimates for ongoing catering and these were presented to Councillors at a briefing held 6 June 2022. Below is a breakdown of the cost estimates for 15 people (10 Councillors and five staff)

- Buffet style with equipment and staff provided - \$1,284.75 per meeting
- Buffet style with no equipment or staff provided \$724.20 per meeting
- Plated dinner with equipment and staff provided: \$1,622.55 per meeting
- Delivered hot meal: \$487.50 per meeting

In determining the most effective and efficient provision of catering the following are to be considered:

- Providing a meal following a meeting or briefing is challenging as the end time is not known.
- Staff are not trained or equipped to provide a meal service to the appropriate standard required

- It is challenging to manage wastage as sometimes it is not known who is attending until the last minute. This is particularly more likely with the provision in the Code of Meeting Practice for remote attendance at meetings.
- Not all Councillors want a meal and stopping during briefings for this purpose can be seen as wasted time.
- It is recognised that Councillors have significant time commitments and expectations in the performance of their civic role and providing a meal to those who desire one is reasonable.

Having regard to the above, it is proposed that the following be implemented for the provision of meals:

- A meal will be provided to those Councillors who advise they want one by midday on the day of the meeting or briefing.
- The meal will be provided prior to the meeting or briefing.
- The cost of the meal will be within the range set by the Monetary Rates.
- As part of the review of policies the Catering Provision Policy will be recommended for rescission.



## COUNCILLOR EXPENSES AND FACILITIES POLICY

[REF]

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**Policy Owner:** Executive Manager Governance

**Category:** Statutory

**Direction:** 5. Our Civic Leadership

### Purple – Proposed changes to template policy

#### 1. POLICY SUMMARY

1.1 This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties. It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

1.2 The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation) and complies with the NSW Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

1.3 The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed. The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	Calculated as per the Award \$500 per councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$5,000 total for all councillors	Per year
Accommodation and meals	As per the NSW Crown <i>Employees (Public Service Conditions of Employment) Reviewed Award 2009</i> , adjusted annually	Per meal/night
Professional development	\$18,000 for all councillors \$30,000 for all councillors	Per year Per year following election
Conferences and seminars	\$22,500 total for all councillors \$2,500 additional for Mayor	Per year
ICT expenses	\$60 per councillor \$2,000 for Mayor	Per year-month Per year

Adopted by Council [inset date]



## COUNCILLOR EXPENSES AND FACILITIES POLICY

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Expense or facility	Maximum amount	Frequency
	Device provided with data	Once per term following election
Carer expenses	\$2,000 per councillor	Per year
Home office expenses	\$300 per councillor	Per year
Postage stamps	Provided through Council mail system	<del>Per year</del> Not relevant
Christmas or festive cards	Access to e-card	Per year
Council vehicle and fuel card [where applicable Clause 11]	<del>Provided</del> Available to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor Parking permit provided to Councillors	Not relevant
Furnished office [where applicable Clause 11]	Provided to the mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors [where applicable Clause 11]	EA to the Mayor Support to Councillors through Council and Committee Services (non exclusive staff)	Not relevant

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

1.5 Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

1.6 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

## 2. INTRODUCTION

2.1. The provision of expenses and facilities enables councillors to fulfil their duties as the elected representatives of North Sydney Council.

2.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.

2.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.

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

2.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

Adopted by Council [inset date]

2.6. In addition to fees paid under Section 241 of the Act, Council has resolved to pay Superannuation payments to Councillors noting that a Councillor may opt out of receiving such payments.

### 3. POLICY OBJECTIVES

3.1. The objectives of this policy are to:

- a) enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- b) enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- c) ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
- d) ensure facilities and expenses provided to councillors meet community expectations
- e) support a diversity of representation
- f) fulfil the council's statutory responsibilities

### 4. PRINCIPLES

4.1. Council commits to the following principles:

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

### 5. PRIVATE OR POLITICAL BENEFIT

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Adopted by Council [inset date]

**COUNCILLOR EXPENSES AND FACILITIES POLICY**

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5.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

5.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.

5.3. Such incidental private use does not require a compensatory payment back to council.

5.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.

5.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- a) production of election material
- b) use of council resources and equipment for campaigning
- c) use of official council letterhead, publications, email address, websites or services for political benefit
- d) fundraising activities of political parties or individuals, including political fundraising events.

**6. GENERAL EXPENSES**

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

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

**7. SPECIFIC EXPENSES****General travel arrangements and expenses**

7.1 All travel by councillors should be undertaken using the most direct route and the most practicable, sustainable and economical mode of transport.

7.2 Each councillor may be reimbursed up to a total of \$500 per year, and the mayor may be reimbursed up to a total of \$[insert] per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:

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Adopted by Council [inset date]

- a) for public transport fares
- b) for the use of a private vehicle or hire car
- c) for parking costs for Council and other meetings
- d) for tolls
- e) by Cab charge card or equivalent
- f) for documented ride-share programs, such as Uber, where tax invoices can be issued.

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

7.4 Councillors seeking to be reimbursed for use of a private vehicle must keep a logbook recording the date, distance and purpose of travel being claimed. Copies of the relevant logbook contents must be provided with the claim.

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

7.5 In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to *any* sister and friendship cities.

7.6 Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of \$5,000 per year. This amount will be set aside in Council's annual budget.

7.7 Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.

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

7.9 The case should include:

- a) objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties;
- b) who is to take part in the travel;
- c) duration and itinerary of travel;
- d) a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

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7.10 For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

7.11 For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

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

7.13 Bookings for approved air travel are to be made through the General Manager's office Council and Committee Services by emailing [governance@northsydney.nsw.gov.au](mailto:governance@northsydney.nsw.gov.au).

7.14 For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

**Travel expenses not paid by Council**

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

**Accommodation and meals**

7.16 Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside Metropolitan Sydney.

7.17 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the *NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, as adjusted annually.

7.18 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 7.17.

7.19 Councillors will not be reimbursed for alcoholic beverages.

**Refreshments for council related meetings**

7.20 Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the General Manager.

7.21 As an indicative guide for the standard of refreshments to be provided at council related meetings, the General Manager must be mindful of Part B Monetary

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Adopted by Council [inset date]

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

7.22 All Councillors are invited to attend any public event organised by North Sydney Council or funded, in part or through sponsorship by Council.

7.23 Council will meet the cost of a Councillor attending a dinner or function to which they have been invited in their role as elected officials, which relates directly to the business of Council, for example Business Awards Dinner.

7.24 On occasion, Council may purchase tickets or a table at an event of relevance to local government or to North Sydney local government area. Councillors will be offered the ability to attend such events. Any untaken tickets will be distributed to staff at the discretion of the General Manager.

### Professional development

7.25 Council will set aside \$18,000 per for all councillors annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies. This amount will increase to \$30,000 for all councillors for the year following the conduct of the election.

7.26 In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the NSW Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

7.27 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

7.28 Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- a) details of the proposed professional development;
- b) relevance to council priorities and business;
- c) relevance to the exercise of the councillor's civic duties.

7.29 In assessing a councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 7.28, as well as the cost of the professional development in relation to the councillor's remaining budget.

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Adopted by Council [inset date]

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**Conferences and seminars**

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

7.31 Council will set aside a total amount of \$22,500 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. An additional amount of \$2,500 per for the mayor will be allocated. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

7.32 Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a councillor request, the General Manager must consider factors including the:

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

7.33 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 7.16-7.19.

7.34 All Councillors are entitled to attend the Local Government NSW Annual Conference should they wish. All normal registration costs, including those related to official luncheons, dinners, breakfasts and tours which are relevant to the interests of Council will be paid by Council.

7.35 The spouse or partner of a Councillor may attend a Conference with the Councillor subject to Council not incurring any additional expense.

**Information and communications technology (ICT) expenses**

7.36 Council will provide Councillors with an appropriate ICT device and services based on Council's current standards, to enable internet access, emailing, access to Council's business papers, minutes, policies and other Council records. This will include the provision of corporate apps as considered relevant from time to time by Council to enable Councillors to undertake their civic duties.

7.37 Council will reimburse councillors for expenses associated with appropriate ICT devices and services up to a limit of \$60.00 per annum month for each councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs. Reimbursements will be made only for

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Adopted by Council [inset date]

**COUNCILLOR EXPENSES AND FACILITIES POLICY**

communications devices and services used for councillors to undertake their civic duties, such as:

- a) receiving and reading council business papers;
- b) relevant phone calls and correspondence; and
- c) diary and appointment management.

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

7.39 Council will provide Councillors with an @northsydney domain email address. This is the only email address that will be used by Council for communication with Councillors in their civic role.

**Special requirement and carer expenses**

7.40 Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.

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

7.42 In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.

7.43 Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$2,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

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

7.45 In the event of caring for an adult person, councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

**Home office expenses**

7.46 Each councillor may be reimbursed up to \$300 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.



7.47 Councillors may also request the direct supply of items for the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges. The value of these will be noted and calculated for the purpose of clause 7.46.

## 8. INSURANCES

8.1 In accordance with Section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

8.2 Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

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

8.4 Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

## 9. LEGAL ASSISTANCE

9.1 Council may, if requested, 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 Act provided that the outcome of the legal proceedings is favourable to the councillor;
- 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 and the outcome of the legal proceedings is favourable to the councillor;
- c) a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.

9.2 In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal

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Adopted by Council [inset date]

investigation of the matter and makes a finding substantially favourable to the councillor.

9.3 Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.

9.4 Council will not meet the legal costs:

- a) of legal proceedings initiated by a councillor under any circumstances
- b) of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- c) for legal proceedings that do not involve a councillor performing their role as a councillor.

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

## 10. GENERAL FACILITIES FOR ALL COUNCILLORS

### Facilities

10.1 Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:

- a) a councillor common room appropriately furnished to include printer, desk, computer access and appropriate refreshments (excluding alcohol);
- b) access to shared car parking spaces while attending council offices on official business;
- c) personal protective equipment for use during site visits;
- d) a parking permit for use when performing civic role in the North Sydney local government area
- e) a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.

10.2 Councillors may book meeting rooms for official business in Council's Customer Service Centre at no cost. Rooms may be booked through the Manager Council and Committee Services.

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

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**Stationery**

10.4 Council will provide the following stationery to councillors each year:

- a) letterhead, to be used only for correspondence associated with civic duties
- b) business cards
- c) use of Council's postage service
- d) access to an e-card during the festive season

~~10.5 As per Section 4, stamps shall only be used to support a councillor's civic duties. Councillor mail will only be posted using the stamps provided. Any stamps not used will not be carried over to the next year's allocation.~~

**Administrative support**

10.6 Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by staff in the mayor's office or by a member of council's administrative staff as arranged by the General Manager or their delegate.

10.7 As per Section 5, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

**11. ADDITIONAL FACILITIES FOR THE MAYOR**

11.1 Council will provide to the mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office. *Where the mayor does not wish to be provided with a vehicle reimbursement for travel may be claimed or cab charge vouchers (or similar) provided.*

11.2 The mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to council on a monthly basis.

11.3 *Where the mayor has been allocated a vehicle, when not being used by the Mayor, the vehicle will be available for use as a pool vehicle.*

11.4 The mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the *Local Government (State) Award*.

11.5 Council will provide the mayor with a furnished office incorporating a printer, telephone and meeting space.

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Adopted by Council [inset date]

11.6 In performing his or her civic duties, the mayor will be assisted by a staff member providing administrative and secretarial support, as determined by the General Manager.

11.7 Council will reimburse the mayor for expenses associated with the use of a mobile phone up to a limit of \$250 per month.

11.8 As per Section 5, staff in the mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

## 12. APPROVAL, PAYMENT AND REIMBURSEMENT ARRANGEMENTS

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

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

12.3 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- a) local travel relating to the conduct of official business;
- b) carer costs;
- c) ICT expenditure.

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

### Direct Payments

12.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the [Manger Council and Committee Services](#) for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

### Reimbursement

12.6 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the [Manger Council and Committee Services](#).

### Advance Payment

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Adopted by Council [inset date]

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12.7 Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.

12.8 The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$100.

12.9 Requests for advance payment must be submitted to the **Manger Council and Committee Services** for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

12.10 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:

- a) a full reconciliation of all expenses including appropriate receipts and/or tax invoices;
- b) reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

**Notification**

12.11 If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.

12.12 If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

**Reimbursement to Council**

12.13 If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- a) council will invoice the councillor for the expense;
- b) the councillor will reimburse council for that expense within 14 days of the invoice date.

12.14 If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the councillor's allowance.

**Timeframe for reimbursement**

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

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Adopted by Council [inset date]

12.16 In the period preceding the conduct of a local government election, Councillors will be encouraged to submit any claims for reimbursement prior to the conduct of the election and the declaration of all Councillor offices as vacant.

### **13 DISPUTES**

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

13.2 If the councillor and the General Manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved

### **14. RETURN OR RETENTION OF FACILITIES**

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

14.2 Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

14.3 The prices for all equipment purchased by councillors under Clause 14.2 will be recorded in Council's annual report.

### **15. PUBLICATION**

This policy will be published on Council's website.

### **16. REPORTING**

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

16.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

### **17. AUDITING**

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Adopted by Council [inset date]

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The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken in accordance with the audit plan endorsed by the Audit, Risk and Improvement Committee.

## 18. BREACHES

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

18.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the *Code of Conduct*, as detailed in the Code and in the Procedures for the Administration of the Code.

## 19. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Code of Conduct

The Policy should be read in conjunction with the following documents/legislation:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Office of Local Government Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Office of Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Office of Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

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Adopted by Council [inset date]

**APPENDIX I: DEFINITIONS**

The following definitions apply throughout this policy.

<b>Term</b>	<b>Definition</b>
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993 (NSW)</i>
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the <i>Code of Conduct</i> adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• meetings of council and committees of the whole</li> <li>• meetings of committees facilitated by council</li> <li>• civic receptions hosted or sponsored by council</li> <li>• meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council</li> </ul>
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the <i>Local Government (General) Regulation 2005 (NSW)</i>
year	Means the financial year, that is the 12 month period commencing on 1 July each year

Adopted by Council [inset date]