

ITEM 9 COUNCILLOR EXPENSES AND FACILITIES POLICY - POST-EXHIBITION

This report presents the draft *Councillor Expenses and Facilities* Policy for formal adoption by Council in accordance with Council’s Resolution of 3 September 2018.

RECOMMENDATION

Council adopt the Councillor Expenses and Facilities policy, as exhibited.

REPORT AUTHORISATIONS

Report of: Clare Phelan, Manager Governance and Information (Acting)
 Authorised by: Renee Campbell, Director Corporate Services - Connected and Engaged City

ATTACHMENTS

- 1 Draft - Councillors Expenses and Facilities policy

BACKGROUND

Following a review by staff of the *Payment of Expense and Provision of Facilities to the Lord Mayor and Councillors* Policy, Council at its meeting on 3 September 2018 resolved to:

- 1 *Endorse the renaming of the “Payment of Expenses and Provision of Facilities to the Lord Mayor and Councillors” Policy to “Councillor Expenses and Facilities” Policy;*
- 2 *Adopt in principle the draft Councillor Expenses and Facilities Policy subject to it being placed on public exhibition for a period of not less than 28 days, inviting submissions from the public;*
- 3 *Receive a further report on the Councillor Expenses and Facilities Policy, including a summary of any submissions received prior to formal adoption of the Policy.*

The draft *Councillor Expenses and Facilities* Policy was assessed against the Office of Local Government’s *Councillor Expenses and Facilities Policy Better Practice Template*, prior to its report to Council in September 2018 and is considered to be consistent with the intent of the Better Practice Template.

PROPOSAL

It is proposed that the draft *Councillor Expenses and Facilities* policy, incorporating the changes presented to Council at its meeting on 3 September 2018 and as exhibited, be adopted.

The changes included in the draft policy that was placed on exhibition are included again below for the benefit of the Council:

Draft Policy Proposal	Current Policy Provision	Act, Regulations, Guidelines or better practice template	Comments
9.3. Council will provide Councillors with a Smart Phone for official use on request, with an appropriate data plan.	A Smart Phone with a minimum of 1000Mb data allowance will be available to Councillors for official use on request.		Data allowance reference not required as this is an area which is constantly changing with advances in technologies.

Draft Policy Proposal	Current Policy Provision	Act, Regulations, Guidelines or better practice template	Comments
<p>9.4. Council will meet the cost of calls up to a maximum of \$1,200 (excluding GST) per year with any additional costs being borne by the individual Councillor and will be deducted from their next monthly Councillor fee payment.</p>	<p>Council will meet the cost of calls up to a maximum of \$300 (Excluding GST) per quarter with any additional costs being borne by the individual Councillor and will be deducted from their next monthly Councillor fee payment.</p>	<p>Better Practice Template calls for appropriate limit to be set.</p>	<p>Setting an annual limit for BYOD devices equal to the annual amount set for Council-provided devices maintains consistency. The proposed amendment represents no change to the annual limit.</p>
<p>9.8. Council will provide Councillors with a Council specified standard Tablet/PC package, printing facility and internet access with an appropriate data plan</p>	<p>Council will provide Councillors with a Council specified standard Tablet PC package, printing facility and internet access. A minimum of 3000Mb data allowance is included.</p>	<p>Better Practice Template provision to provide councillors with appropriate ICT devices and services, or reimburse for BYOD (see section following on proposed new policy inclusions).</p>	<p>Data allowance reference not required as this is an area which is constantly changing with advances in technologies.</p>
<p>11.7 Councillors must provide claims for reimbursement within three months of an expense being incurred.</p>	<p>Unless otherwise stated in this Policy, a claim for reimbursement of expenses and accounting for any payment in advance must be substantiated and lodged within 30 days of the costs being incurred</p>	<p>There is no timeframe outlined in the s23A Guidelines. The Better Practice Template recommends 3 months.</p>	<p>Agreed that 3 months is a reasonable timeframe for submitting claims for reimbursement of expenses. This change was considered prior to the release of the Better Practice template</p>
<p>16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.</p>	<p>An audit of Lord Mayor and Councillor expenses will be included in the Internal Audit Plan and undertaken every three years.</p>	<p>Better Practice Template and best practice is for an audit to be conducted every two years.</p>	<p>Agreed, and consistent with current plans which include an internal audit every two years.</p>

New inclusions in policy

Proposed Inclusion	Comment
<p><i>Principles</i> Council commits to the following principles:</p> <ul style="list-style-type: none"> • Proper conduct: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions 	<p>Contained within Better Practice Template Consistent with Council's principles, values and objectives of the policy.</p>

Proposed Inclusion	Comment
<ul style="list-style-type: none"> • Reasonable expenses: providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor • Participation and access: enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor • Equity: there must be equitable access to expenses and facilities for all Councillors • Appropriate use of resources: providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations • Accountability and transparency: clearly stating and reporting on the expenses and facilities provided to Councillors. 	
<p>4.5 <i>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:</i></p> <ul style="list-style-type: none"> • production of election material • use of council resources and equipment for campaigning • use of official council letterhead, publications, websites or services for political benefit • fundraising activities of political parties or individuals, including political fundraising events. 	<p>Contained within Better Practice Template</p> <p>OLG Guidelines state – 10.16 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.</p>
<p><u>General travel arrangements and expenses</u></p> <p>6.3 Each Councillor may be reimbursed for reasonable travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW ... This includes reimbursement for:</p> <ul style="list-style-type: none"> • documented ride-share programs, such as Uber, where tax invoices can be issued. 	<p>Addition only of wording “documented ride-share programs, such as Uber, where tax invoices can be issued “.</p> <p>Contained within Better Practice Template. The inclusion of reimbursement for documented ride-share programs is appropriate.</p>
<p>6.6 Councillors seeking to be reimbursed for use of a private vehicle must include the date, distance, starting location and destination, and purpose of travel being claimed, along with any other information relevant with the claim such as engine size where applicable.</p>	<p>Consistent with current practice. Council has an e-form that requires the listed information be entered into claims.</p> <p>The Better Practice Template calls for a log book to be kept. This is seen as a duplication and an unnecessary step, as the information is entered into the claim form and maintained as a Council record.</p>
<p>6.7 In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate and overseas trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.</p>	<p>WCC policy requires overseas travel to be approved by an open meeting of Council.</p> <p>This is an inclusion in the Better Practice Template and is seen as consistent with Council’s practices and policy.</p>
<p>6.17 In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the</p>	<p>Better Practice Template inclusion</p> <p>In practice, WCC councillors already have access to this provision.</p>

Proposed Inclusion	Comment
<p>meeting may be approved by the Lord Mayor. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.</p>	
<p>6.18 Council will reimburse reasonable costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Illawarra.</p>	<p>Better Practice Template inclusion. Consistent with current practice and policy.</p>
<p>6.28 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.</p>	<p>Better Practice Template inclusion, which is supported. Professional bodies may include Australian Local Government Women's Association or the Australian Institute of Company Directors.</p>
<p>6.39 Council will meet: Limited expenses associated with the attendance of the Councillor's spouse, partner or accompanying person at the Local Government NSW Annual Conference and the Australian Local Government Association's National General Assembly of Local Government.</p>	<p>Addition of the annual National General Assembly, which is generally held in Canberra during June of each year, and which like the LG NSW Annual Conference has a partners' programme. While not specifically referenced in the OLG Guidelines, its inclusion is consistent with the principles applied by the OLG to attendance at the LG NSW Annual Conference. These include that expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual councillors.</p>
<p><u>Recognition of service</u> 6.54 In recognition of long service as Councillor and/or Lord Mayor, Councillors are eligible to receive particular Local Government NSW awards if their service meets certain criteria. In these cases, Council will meet the cost of the Local Government NSW Service Award or Certificate applied for.</p>	<p>Reflects the current practice of Council. Costs are minimal.</p>
<p><u>Bring your own device – mobile phone and data allowance plans</u> 6.57 A Councillor may wish to use their private mobile phone and data access plan in lieu of a Council provided smart phone and number (as outlined in clause 9.3 of this Policy). 6.58 In such circumstances, Council will reimburse up to a maximum of 50% for the cost of a mobile phone access plan, including data. Where unlimited calls are not included with the access plan, Council will reimburse in full any Council business related call costs. Reimbursements for combined plan and call costs are limited to a maximum of \$1,200 per Councillor, per year. 6.59. Reimbursements are subject to the submission of a monthly telephone account, in the Councillor's name, showing plan cost and highlighting any individual call costs incurred, if applicable.</p>	<p>Brings the policy into line with current technology and practice. Proposed limit per annum consistent with limits applied to councillors using Council provided devices.</p>

Proposed Inclusion	Comment
<p><u>Councillor welfare - access to Employee Assistance Program</u></p> <p>9.22. Council extends access to its Employee Assistance Program (EAP) to Councillors and their immediate family members (ie. spouse; partner; or dependent child living under the same roof as the Councillor who is under the age of 18). It provides an effective program which enables the maintenance of Councillors' and their families' health and wellbeing.</p> <p>9.23. Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a Councillor are able to seek counselling, on a confidential basis, directly through the EAP. The EAP provider will assess and determine the number of sessions provided based on the nature of the support offered.</p>	<p>Councillors currently have access to the EAP with no additional costs to Council. Inclusion of this provision within the policy better reflects existing arrangements.</p>
<p><u>Reimbursement to Council</u></p> <p>11.16 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, the Councillor will reimburse Council for that expense by way of a deduction from the Councillor's next allowance.</p>	<p>Consistent with current practice.</p>

CONSULTATION AND COMMUNICATION

The draft *Councillor Expenses and Facilities* Policy was publicly exhibited for a period of five weeks, between 12 September and 19 October 2018.

Notices appeared in the following editions of the Wollongong Advertiser:

- 12 September 2018; and
- 10 October 2018

The draft Policy was further promoted on Council's Community Engagement website.

No submissions were received on the draft Councillor Expenses and Facilities policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We are a connected and engaged community".

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2018-19.

FINANCIAL IMPLICATIONS

The proposed policy inclusions and changes will not require any additional funding, with expenses requiring approval within adopted budgets.

CONCLUSION

The current policy provisions are consistent with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, and the Office of Local Government *Guidelines for the payment of expenses and provision of facilities to mayors and councillors in NSW*. The Policy may be further enhanced by the proposed changes and additional inclusions.



ADOPTED BY COUNCIL:

BACKGROUND

The *Local Government Act 1993* requires Council to adopt a policy that allows for Councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

OBJECTIVE

The objectives of this policy are to:

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

POLICY STATEMENT

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's s23A Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW. Further, in the development of this policy, the Better Practice template issued by the Office of Local Government for policies concerning expenses and facilities for councillors was considered.

POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

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PART A – INTRODUCTION

1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Wollongong City Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. 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.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. 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.
- 1.6. 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.
- 1.7. Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.
- 1.8. Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.
- 1.9. A report on Lord Mayor, Councillor and General Manager expenses will be submitted to the Audit, Risk and Improvement Committee on a quarterly basis.
- 1.10. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

2. Definitions

the Act	Local Government Act 1993
the Regulation	Local Government (General) Regulation 2005
OLG	Office of Local Government
Conference	Generally more than one day in duration
Seminar	Generally only one day in duration
Year	A financial year
Accompanying person	A person who has a close personal relationship with the Councillor and/or provides carer support for the Councillor.
For the purposes of this policy, the following definitions apply to travel -	
Local travel	Travel within the Illawarra, or a neighbouring local government area
Intrastate	Travel within New South Wales and the Australian Capital Territory.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor

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- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all Councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. 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.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. 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.
- 4.5. 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:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

PART B – EXPENSES

5. General expenses

- 5.1. 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.

Examples of General expenses

- Council will reimburse reasonable incidental personal out-of-pocket expenses incurred by Councillors in attending Civic Functions, meetings relating to official Council business, seminars, conferences and training sessions.
Incidental expenses include telephone or facsimile calls, laundry and dry cleaning (associated with approved overnight travel), taxi fares, parking station fees and cost of meals not included in registration fees, but excludes tips.
- 5.2. Other incidental expenses such as refreshments and parking meter fees, may be incurred and reimbursed without substantiation up to a value equivalent to current Australian Taxation Office Taxation Determination on the reasonable travel and overtime meal allowance expense amounts for the current income year.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Councillors may request the use of a Council vehicle for official business use. A minimum of 48 hours' notice is required for access to a vehicle for overnight use and 7 days' notice for longer periods.

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- 6.3. Each Councillor may be reimbursed for reasonable travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW or the ACT, with the total of each claim not exceeding the cost of economy return air travel and reasonable Sydney airport transfer costs, where applicable. This includes reimbursement for:
- the use of a private vehicle
 - public transport fares
 - tolls
 - documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.4. Official Council Business includes, but is not limited to, attendance at the following:
- all Council and Committee meetings including Council reference groups and Councillor briefing forums;
 - civic receptions;
 - meetings and inspections;
 - authorised conferences, seminars and training;
 - Wollongong Local Planning Panel (WLPP) and/or formal facilitation sessions;
 - official meetings of external organisations where the Councillor is an elected Council delegate or alternate delegate; and
 - where Councillor attendance is required at official Council events as indicated by –
 - receipt of an invitation from Council officers,
 - receipt of a meeting request where attendance is identified as required,
 and does not include event notifications sent for information purposes.
 - Councillors are to take the most direct route when travelling on official Council business.
- 6.5. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award*.
- 6.6. Councillors seeking to be reimbursed for use of a private vehicle must include the date, distance, starting location and destination, and purpose of travel being claimed, along with any other information relevant with the claim such as engine size where applicable.

Interstate and overseas travel expenses

- 6.7. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate and overseas trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the Lord Mayor or Council, depending on anticipated costs, prior to travel.
- 6.9. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.10. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties;
 - who is to take part in the travel;
 - duration and itinerary of travel;

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- a detailed budget including costs for transport, accommodation and other out-of-pocket travelling expenses.
- 6.11. For interstate journeys by air of less than four hours, the class of air travel is to be economy class.
 - 6.12. For interstate journeys by air of more than four hours, the class of air travel may be premium economy.
 - 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
 - 6.14. All Councillor travel arrangements will be centrally coordinated and booked by a Council officer.
 - 6.15. 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

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

Accommodation and meals

- 6.17. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Lord Mayor. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.18. Council will reimburse reasonable costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Illawarra.
- 6.19. Council will reimburse reasonable incidental personal out-of-pocket expenses incurred by Councillors in attending Civic Functions, meetings relating to official Council business, seminars, conferences and professional development sessions.
- 6.20. Incidental expenses include reasonable laundry expenses associated with overnight travel, taxi fares, parking station fees and cost of meals not included in registration fees, but excludes tips, and such expenses shall not exceed:
 - \$150 per day on meals and refreshments; and
 - \$100 per day on other incidental expenses.
- 6.21. Other incidental expenses such as refreshments and parking meter fees, may be incurred and reimbursed without substantiation up to a value equivalent to the current Australian Taxation Office Taxation Determination on the reasonable travel and overtime meal allowance expense amounts for the current income year.
- 6.22. Where possible, accommodation is to be booked at the conference venue unless the General Manager determines otherwise.
- 6.23. In all other cases Council will ensure that reasonable and appropriate accommodation is provided to Councillors and in this regard a standard equivalent to 4 Star, where available, is considered appropriate.
- 6.24. Preference will be given to accommodation venues providing Government Rates.

Refreshments for Council related meetings

- 6.25. Appropriate refreshments will be available for Council meetings, Council Committee meetings, Councillor briefings and workshops, approved meetings and engagements, and official Council functions as approved by the General Manager.

Professional development

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

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This does not include induction expenses incurred at the commencement of each term of a new Council.

- 6.27. 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 Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.28. 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.
- 6.29. Approval for professional development activities is subject to a prior written request to the Lord Mayor outlining the:
- details of the proposed professional development
 - relevance to Council priorities and business
 - relevance to the exercise of the Councillor's civic duties.
- 6.30. In assessing a Councillor request for a professional development activity, the Lord Mayor must consider the factors set out in Clause 6.26, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.31. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW or the ACT.
- 6.32. Council will set aside an amount annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The Lord Mayor will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.33. Approval to attend a conference or seminar is subject to a written request to the Lord Mayor. In assessing a Councillor request, the Lord Mayor must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.34. 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 6.17-6.20.

Community and charitable functions, dinners and other non-Council functions

- 6.35. Council will provide a budget allocation in the annual budget for Councillor attendance at local community and charitable functions.
- 6.36. Where a Councillor accepts an invitation to attend a local community or charitable function in the role of a Councillor, Council shall meet to cost of the entry fee, but excluding travel costs.
- 6.37. Council will meet the entry fee associated with the attendance of a Councillor at a dinner or other non-Council function which provides briefings to Councillors from key members of the community, politicians and business, but excluding travel costs.
- 6.38. Council will not contribute to, or reimburse to a Councillor, any costs associated with attendance at any political fundraising event, any donation to a political party or candidate's electoral fund or for some other private benefit.

Accompanying person expenses

Definition – 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.

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6.39. Council will meet:

- Reasonable costs of spouses, partners or an accompanying person in attending official Council functions that are of a formal or ceremonial nature where the Councillor's spouse, partner or accompanying person would reasonably be expected to attend. Examples include, but are not limited to Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions and charitable functions at the request of the Lord Mayor.
- Limited expenses associated with the attendance of the Councillor's spouse, partner or accompanying person at the Local Government NSW Annual Conference and the Australian Local Government Association's National General Assembly of Local Government.
- These expenses are limited to the cost of the spouse, partner or accompanying person's registration (including the official conference dinner and welcome reception) and official functions hosted by Wollongong City Council at the conference.
- Travel expenses, any additional accommodation expenses and the cost of the spouse, partner or accompanying person's tours, etc will be the responsibility of individual Councillors.
- Reasonable costs of the spouse, partner or accompanying person of the Lord Mayor (or a Councillor representing the Lord Mayor) where the spouse, partner or accompanying person would reasonably be expected to attend an official function of Council or accompany the Lord Mayor (or a Councillor representing the Lord Mayor) to carry out an official ceremonial duty within NSW or the ACT.

6.40. Such functions include charitable functions to which the Lord Mayor has been invited and award ceremonies and other functions to which the Lord Mayor is invited to represent the Council.

6.41. The payment of expenses as detailed above is limited to the cost of the ticket, meal and/or the direct cost of attending the function.

6.42. Where not provided above, all expenses incurred in relation to the attendance of a spouse, partner or accompanying person at any event, function, seminar, conference, business trip and the like, must be met by the Councillor or the spouse, partner or accompanying person.

6.43. Peripheral expenses incurred by a spouse, partner or accompanying person such as grooming, special clothing and transport are not reimbursable expenses.

Special requirement and carer expenses

6.44. 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.

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

6.46. 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.

6.47. 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.

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

6.49. 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.

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Protection expenses and obligations

- 6.50. Council may assist in providing protection to Councillors from any adverse security breaches to their person or property. Approval of the General Manager must be sought and gained prior to any expenses being incurred by Councillors.
- 6.51. The General Manager will determine requests after consultation with the NSW Police as to the risk and history of the matter. These protection measures may take the form of a security assessment, installation of a security system and/or physical monitoring.
- 6.52. Council will, subject to substantiation, reimburse Councillors for expenses that they may incur up to a limit of \$2,000 per year.
- 6.53. Should an amount above the \$2,000 per year limit be required by any Councillor, the matter will be referred to Council for determination after taking advice from the General Manager, Independent Chair of the Corporate Governance Committee and/or the Professional Conduct Coordinator.

Recognition of service

- 6.54. In recognition of long service as Councillor and/or Lord Mayor, Councillors are eligible to receive particular Local Government NSW awards if their service meets certain criteria. In these cases, Council will meet the cost of the Local Government NSW Service Award or Certificate applied for.

Home office expenses

- 6.55. Each Councillor may be reimbursed up to \$250 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

Newspaper

- 6.56. One Illawarra Mercury newspaper home delivered Monday to Saturday, and/or subscription to the digital edition of the Illawarra Mercury.

Bring your own device – mobile phone and data allowance plans

- 6.57. A Councillor may wish to use their private mobile phone and data access plan in lieu of a Council provided smart phone and number (as outlined in clause 9.3 of this Policy).
- 6.58. In such circumstances, Council will reimburse up to a maximum of 50% for the cost of a mobile phone access plan, including data. Where unlimited calls are not included with the access plan, Council will reimburse in full any Council business related call costs. Reimbursements for combined plan and call costs are limited to a maximum of \$1,200 per Councillor, per year.
- 6.59. Reimbursements are subject to the submission of a monthly telephone account, in the Councillor's name, showing plan cost and highlighting any individual call costs incurred, if applicable.

7. Insurances

- 7.1. Councillors are to receive the benefit of the following insurance coverage effected by Council subject to any terms, conditions, exclusions and limitations of the policy of insurance effected by Council, for matters arising out of Councillors' performance of their civic duties and/or exercise of their Civic Functions:
 - a Public Liability and Professional Indemnity insurance;
 - b Councillors and Officers insurance;
 - c Corporate Travel insurance;
 - d Personal Accident insurance.

8. Legal assistance

- 8.1. Councillors are to receive the benefit of relevant insurance coverage that may be effected by Council for Legal Services in the event of:
 - a An enquiry, investigation or hearing by an appropriate investigative or review body including:

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- Council's Conduct Review Committee/Reviewer;
- Independent Commission Against Corruption;
- Office of the NSW Ombudsman;
- Office of Local Government;
- NSW Police Force;
- Director of Public Prosecutions or
- NSW Civil and Administrative Tribunal;

into the conduct of a Councillor; or

- b Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's exercise in good faith of their functions as a Councillor, provided the circumstances of the matter are reported to Council's relevant insurance provider who in turn consents to the legal services and costs prior to the costs being incurred.

Council shall subject to the terms and condition of the insurance coverage reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a Solicitor/client basis, provided that:

- i approval of the General Manager and insurance provider for the nominated solicitor and their hourly rates is both sought and gained in writing prior to legal expenses being incurred;
- ii approval of the General Manager and insurance provider for any additional legal expenses is both sought and gained in writing prior to those expenses being incurred;
- iii the outcome of the legal proceedings is favourable to the Councillor or where an investigator or review body makes a finding that is not substantially unfavourable to the Councillor;
- iv the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis; and
- v the Councillor's exercise of their function was, in the opinion of Council, bona fide and proper and as a Councillor.

- 8.2. Notwithstanding any other provisions of this Policy the following costs cannot be the subject of reimbursement:

- a the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances;
- b the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
- c legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
- d legal costs of legal proceedings initiated by a Councillor under any circumstances; or
- e the costs of defending any matter relating to the eligibility of a Councillor to stand for election.

PART C – FACILITIES

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- A Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, lockers and appropriate refreshments (excluding alcohol) on level 10 of Council's Administration Building
 - Access to free car parking in the Administration Building and Stewart Street East car parks while attending Council offices on official business. Vehicle stickers will be supplied for this purpose

COUNCILLORS' EXPENSES AND FACILITIES

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- Access to personal protective equipment for use during site visits
- A name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Lord Mayor or Deputy Lord Mayor
- Provision of a jacket to be worn at Council meetings and civic functions, indicating that the wearer holds the office of Deputy Lord Mayor and/or Councillor.

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

Council provided mobile phone and data allowance plans

- 9.3. Council will provide Councillors with a Smart Phone for official use on request, with an appropriate data plan.
- 9.4. Council will meet the cost of calls up to a maximum of \$1,200 (excluding GST) per year with any additional costs being borne by the individual Councillor and will be deducted from their next monthly Councillor fee payment.
- 9.5. International roaming and message bank roaming will be activated when requested by a Councillor proposing overseas travel for Council related purposes. However, where the travel is for vacation or personal business purposes all outgoing call costs incurred are to be reimbursed to Council by way of a deduction from the next Councillor monthly fee payment.
- 9.6. Each month Councillors will receive a copy of their monthly smart phone account and be required to complete an online mobile phone usage declaration, highlighting any personal calls charges to be reimbursed to Council by way of deduction from their next monthly Councillor fee payment. The declaration is to be completed each month.
- 9.7. A Councillor may wish to use their private mobile phone in lieu of a Council provided smart phone. Refer to clause 6.57-6.59 of this Policy.

Information and communications technology (ICT) provisions

- 9.8. Council will provide Councillors with a Council specified standard Tablet/PC package, printing facility and internet access with an appropriate data plan
- 9.9. Any excess data allowance charges will be reimbursed to Council by way of deduction from the Councillor's next monthly Councillor fee payment.
- 9.10. Council will provide Councillors with appropriate induction in the use of the provided equipment.
- 9.11. Internet access will be filtered by Council.
- 9.12. Usage of all Council provided technology requires compliance with Council's *Technology Acceptable Use* policy.
- 9.13. Council will provide support services for Council provided services and applications during business hours, being 8.30 am to 5.30 pm, to assist Councillors in resolving operational issues.
- 9.14. Access to a Council supplied email address and Councillor Portal will be provided on the Tablet/PC and the computers in the Councillors Room on the tenth floor of the Administrative Centre.
- 9.15. Servicing and repairs to all Council provided equipment will be coordinated through Council's IT Help Desk facility during business hours, being 8.30 am to 5.30 pm, on the basis of a back-to-base service.
- 9.16. All servicing and repairs to any privately owned equipment will be the responsibility of the individual Councillor irrespective of whether it is used for Council related business.

Home office provisions (excluding ICT)

- 9.17. Council will provide the following stationery and home office provisions to Councillors on request:
- Compendium, at the commencement of each term of civic office

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- Shredder, medium duty
- A4 printer paper, as required
- Printer cartridges for any Council-provided printing device, as required
- business cards, as required
- Diary, each calendar year

9.18. Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

Postage

9.19. All outgoing mail is to be included as part of Council's daily mail collection by Australia Post and as such needs to be delivered to Council's Administration Centre. Mail is not permitted to be delivered directly to an individual Post Office.

Administrative support

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

9.21. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Councillor welfare - access to Employee Assistance Program

9.22. Council extends access to its Employee Assistance Program (EAP) to Councillors and their immediate family members (ie. spouse; partner; or dependent child living under the same roof as the Councillor who is under the age of 18). It provides an effective program which enables the maintenance of Councillors' and their families' health and wellbeing.

9.23. Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a Councillor are able to seek counselling, on a confidential basis, directly through the EAP. The EAP provider will assess and determine the number of sessions provided based on the nature of the support offered.

10. Additional facilities for the Lord Mayor

10.1. A fully serviced and maintained vehicle with a value (inclusive of GST) below the Luxury Car Tax (LCT) threshold for official civic duties and incidental use or a credit through a Novated Lease to a similar value.

10.2. Full private use is available in accordance with the private use provisions contained within Council's Vehicle Management Policy.

10.3. Servicing ensures that the vehicle is serviced, cleaned and fuelled ready for daily use.

10.4. The Lord Mayor is personally liable for all fines resulting from breaches of traffic laws and regulations and parking offences incurred whilst driving this vehicle.

10.5. A parking space at Council's offices will be reserved for the Lord Mayor.

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

10.7. A Purchase Card will be provided to meet hospitality, reasonable incidental and other expenses incurred by the Lord Mayor in discharging his or her functions on behalf of Council. Use of the Purchase Card is to be in accordance with Council's Purchase Card Policy.

10.8. In performing his or her civic duties, the Lord Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

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Insignia of Office

- 10.9. Provision of a jacket, badge and name plates to be worn at civic functions indicating that the wearer holds the offices of Lord Mayor and Councillor.
- 10.10. Provision of a Lord Mayoral Robe and Chain to be worn at civic receptions, citizenship ceremonies and other appropriate functions.

Maintenance and servicing of equipment

- 10.11. Servicing and repairs to all Council provided equipment will be coordinated through Council's IT Help Desk facility during business hours, being 8.30 am to 5.30 pm, on the basis of a back-to-base service.
- 10.12. All servicing and repairs to any privately owned equipment will be the responsibility of the individual Councillor irrespective of whether it is used for Council related business.

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COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

PART D – PROCESSES

11. Approval, payment and reimbursement arrangements

NOTE: All expense limits quoted within this Policy are exclusive of GST unless otherwise stated.

	Lord Mayor Approval Only*	Report to Open Meeting of Council	Lord Mayor Approval and Noted by GM
A Costs not exceeding \$2,000 (ex GST) per Councillor, up to a maximum of \$4,000 per event in accordance with the following criteria:			
i Applications for attendance at any event, including those requiring overnight accommodation and/or air travel within the ACT or New South Wales, including but not limited to:	✓		
• Conferences/seminars;			
• Board meetings, meetings with government ministers or external organisations where the Councillor is Council's appointed representative;			
• Community functions, annual awards, dinners and other non-Council Functions;			
• Events where the Councillor has been invited to speak on behalf of Council.			
ii Professional Development requests.	✓		
B Use of private vehicle for (non-local) official Council business	✓		
C Applications for attendance at any event or professional development where individual Councillor attendance costs exceed \$2,000 or \$4,000 per event.		✓	
D Applications requiring interstate travel.		✓	
E Applications requiring overseas travel.		✓	
F All other Applications and where approval at a meeting of Council is not possible or appropriate.			✓

* Where the Lord Mayor is the applicant, approval may be granted by the Deputy Lord Mayor and be noted by the General Manager or granted by the General Manager and be noted by the Deputy Lord Mayor.

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. A *Councillor Request to Attend External Event* application is to be submitted to the Lord Mayor in the first instance for Councillor attendance at any Conference, seminar, meeting with external parties on official Council business, professional development or training and skills development session, community function, dinner and other non-Council event or function the Councillor wishes to attend in their civic capacity. All requests for approvals under this Policy are to be made in writing. Verbal requests will not be considered.
- 11.3. Application forms are to be submitted prior to attendance at the event and/or any expenses being incurred and must detail the purpose of the trip, expected benefits, duration, itinerary and approximate costs (where known).
- 11.4. The Lord Mayor will consider whether they are authorised to approve the application form or whether it is appropriate to refer the application form for report to an open meeting of Council.
- 11.5. Where a report to Council is required, reports must detail the purpose of the trip, expected benefits, duration, itinerary, approximate costs and nomination/number of Councillors undertaking the trip.

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- 11.6. Overseas travel must be approved prior to the Councillor/s undertaking the trip.
- 11.7. Retrospective reimbursement of overseas travel expenses is not allowed unless prior authorisation of the travel has been obtained.
- 11.8. The use of a Lord Mayoral Minute to obtain Council approval for travel is not appropriate as it is not consistent with the principles of openness and transparency.

Reimbursement

- 11.9. All claims for reimbursement of expenses incurred are to be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted via the Councillors' Portal.

Advance payment

- 11.10. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.11. The maximum value of a cash advance is \$250 per day of the conference, seminar or professional development.
- 11.12. Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.13. Councillors must fully reconcile all expenses against the cost of the advance within 30 days of incurring the cost and/or returning home. This includes providing to Council:
 - a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.14. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 11.15. 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

- 11.16. 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, the Councillor will reimburse Council for that expense by way of a deduction from the Councillor's next allowance.

Timeframe for reimbursement

- 11.17. 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.

12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. 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.
- 12.3. Council's decision will be final and no further appeal will be permitted.

13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Lord Mayor ceasing to hold office or at the cessation of their civic duties.

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

- 13.2. 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.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

- 14.1. This policy will be published on Council's website.

15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. A copy of this policy will be included in Council's annual report.
- 15.3. A report on Lord Mayor, Councillor and General Manager expenses will be submitted to the Audit, Risk and Improvement Committee on a quarterly basis.
- 15.4. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, will be included in Council's internal audit program and an audit undertaken at least every two years.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this policy will 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.

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

SUMMARY SHEET			
Responsible Division	Governance and Customer Service		
Date adopted by Council			
Date of previous adoptions	09/11/2015 13/10/2014 11/11/2013	08/04/2013 12/11/2012 28/11/2011	26/07/2011 19/11/2007 17/10/1994
Date of next review	June 2021		
Legislative or other requirements for review	<p><i>Local Government Act 1993 - sect 252</i> (1) Within the first 12 months of each term of a council, the 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.</p> <p>(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</p> <p><i>Local Government Act 1993 – sect 253</i> (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.</p> <p>(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.</p> <p>(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.</p> <p>(5) A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.</p>		
Responsible Manager	Manager Governance and Customer Service		
Authorised by	Director Corporate Services		