

ITEM 7 PUBLIC EXHIBITION - DRAFT COUNCILLOR EXPENSES AND FACILITIES POLICY

The *Local Government Act 1993* requires Council, within the first 12 months of each council term, to adopt a policy concerning the payment of expenses and the provision of facilities to, the Lord Mayor, the Deputy Lord Mayor and the Councillors in relation to discharging the functions of civic office.

RECOMMENDATION

- 1 Council endorse the draft Councillor Expenses and Facilities Policy to be placed on public exhibition for a period of not less than 28 days, inviting submissions from the public.
- 2 Council 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.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Draft Councillor Expense and Facilities Council Policy

BACKGROUND

Section 253 of the *Local Government Act 1993* (the Act) requires Council, within the first 12 months of each council term, to adopt a policy concerning the payment of expenses and the provision of facilities to, the Lord Mayor, the Deputy Lord Mayor and the Councillors in relation to discharging the functions of civic office.

Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Lord Mayor, the Deputy Lord Mayor and the Councillors other than in accordance with a policy adopted in accordance with s253 of the Act.

Council currently has an adopted *Councillor Expenses and Facilities Policy*, however a review of the policy by Council at the earliest opportunity in the Council term is appropriate to ensure that the policy reflects current requirements and equipment provision to the newly formed Council.

PROPOSAL

The Draft Councillor Expenses and Facilities Policy has been updated to incorporate changes that reflect technology changes since policy was last updated as well as changes to reflect best practice in governance.

In addition, the Office of Local Government has a template Councillor Expenses and Facilities Policy that suggests content for Councils to follow, however this is not mandatory. The OLG template suggests that it is best practice for Councils to place caps and maximum limits on expenses wherever practical and the draft policy has implemented this approach.

A summary of the most significant changes to the policy and their rationale is provided on the following page. In addition to the substantive policy changes a number of formatting and administrative changes have been made that do not affect the application of the policy.

Policy Section	Proposed Change	Rationale
Summary of Key Policy Provisions	Introduction of a summary table at the front of the policy to state limits on the main items in the policy	Suggested by OLG Policy Template
Travel Expenses (cl6.3)	Introduction of a maximum reimbursement for travel expenses of \$5,000 per annum	OLG recommends having in place an upper limit on all relevant provisions in policy
Electric Vehicles (cl6.6)	Introduction of a methodology to reimburse councillors for travel if they use a privately owned electric vehicle	Previous clause related only to internal combustion motor vehicles
Accommodation and Meals (cl6.20)	Linking maximum level of reimbursement for meals and accommodation to the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009	This is an annually indexed table of maximum reimbursements used by the NSW Public Service and is considered an appropriate benchmark tool, as it defines limits based on geographic area and reflects dearer costs in capital cities etc.
Alcohol (cl6.23)	Councillors will not be reimbursed for alcohol expenses	Best practice and recommended approach of OLG
Carer Expenses (cl6.44)	Introduction of a maximum reimbursement for carer expenses of \$5,000 per annum	OLG recommends having in place an upper limit on all relevant provisions in policy
Child Care Expenses (cl6.46)	Introduction of a maximum reimbursement for child care expenses of \$3,000 per annum	OLG recommends having in place an upper limit on all relevant provisions in policy
ICT Provisions (clauses 9.3 – 9.19)	<ul style="list-style-type: none"> • Removal of automatic provision of printers to all Councillors • Introduce option of BYOD phone device for Councillors • Newspaper subscriptions will be strongly encouraged to be electronic subscriptions only • Provision of a laptop per Councillor 	<ul style="list-style-type: none"> • To assist with Council's sustainability goals, printing will be possible in the Councillor Office, however printers will be available if requested • Allow greater device choice for Councillors • To assist with Council's sustainability goals, e-subscriptions will be offered in the first instance, however hard copy delivery available on request • Replacement of iPads previously offered to Councillors, with more appropriate equipment
New Section 11 Payment of Lord Mayoral Fee to Deputy Lord Mayor	Incorporation of existing provisions of the <i>'Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy'</i> into this policy	It is considered appropriate that all policy positions relating to Councillor fees, expenses and facilities, that are not mandated by legislation or regulations, to be included in the same policy. This will allow this policy to act as a single source of truth on these matters.
Approval processes (Part 12)	Change to General Manager approving expenses under the policy instead of the Lord Mayor	It is considered best practice that decision making under the policy either be made by administrative staff, or by resolution of Council

Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy

Council has an existing *Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy* that defines the circumstances in which the Deputy Lord Mayor will receive payment of the Lord Mayoral fee. It is considered appropriate that all policy positions relating to Councillor fees, expenses and facilities, that are not mandated by legislation or regulations, be included in the same policy. This will allow the Councillor Expenses and Facilities Policy to act as a single source of truth on these matters.

The Draft Councillor Expenses and Facilities Policy has included the existing provisions from the *Payment of Lord Mayoral Fee to Deputy Lord Mayor Policy* and the revocation of the policy will be recommended upon final adoption of the *Councillor Expenses and Facilities Policy*.

CONSULTATION AND COMMUNICATION

Any changes to the policy are required to be placed out for a community consultation process of not less than 28 days, for the making of submissions. Following the consultation period, a further report will be submitted to Council, including a summary of any submissions received.

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 2021-22 Service Plan of the Governance and Customer Service Division.

SUSTAINABILITY IMPLICATIONS

Council is committed to creating a sustainable City for future generations. This policy is guided by that principle and aims to encourage the ethical, financially responsible and environmentally sustainable use of Council resources by the elected Council.

RISK MANAGEMENT

The draft policy is intended to reduce risks in the area of reimbursement of Councillor expenses by providing financial caps that limit the amount that can be claimed by each Councillor as well re-drafting a number of sections in the policy to provide greater clarity on allowed reimbursements.

FINANCIAL IMPLICATIONS

The draft policy is not expected to create any additional financial implications to Council, as the proposed policy does not propose any expansion in facilities provided to Councillors and expenditure under the existing policy which is budgeted for.

CONCLUSION

The draft Councillor Expenses and Facilities Policy has been updated to include changes that reflect technology changes since the last version of the policy was updated as well as changes to reflect best practice in governance.



COUNCILLORS' EXPENSES AND FACILITIES COUNCIL POLICY

ADOPTED BY COUNCIL: : [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

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. 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.

POLICY INTENT

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.

WOLLONGONG 2028 OBJECTIVES

Council is committed to creating a sustainable City for future generations. This policy is guided by that principle and aims to encourage the ethical, financially responsible and environmentally sustainable use of Council resources by the elected Council.

LEGISLATIVE REQUIREMENTS

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 Office of Local Government's s23A Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

REVIEW

This Policy will be reviewed within the first 12 months of each Council term, or more frequently as required.

REPORTING

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

COUNCILLORS' EXPENSES AND FACILITIES

COUNCIL POLICY

SUMMARY OF KEY POLICY PROVISIONS

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 [Clause 6.3]	\$5,000 per councillor	Per year
Interstate, overseas and long distance intrastate travel expenses [Clause 6.8 and Section 11]	Up to \$2000 per Councillor and up to a maximum of \$4,000 per event if approved by GM. Above this limit by Council resolution	Per event
Accommodation and meals [Clause 6.19]	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development including conferences and seminars [Clause 6.26]	\$30,000 total for all councillors	Per year
ICT expenses (including BYOD phone devices and other technology) [Section 9]	Standard Laptop for each Councillor Plus expenses \$1,800 per councillor	1 per term Expenses Per year
Carer expenses [Clause 6.44]	\$5,000 per councillor	Per year
Access to facilities in a Councillor common room [Clause 9.1]	Provided to all councillors	Ongoing
Council vehicle and fuel card [Clause 10.1]	Provided to the Lord Mayor	Ongoing
Reserved parking space at Council offices [Clause 10.4]	Provided to the Lord Mayor and Deputy Lord Mayor	Ongoing
Furnished office [where applicable Clause 10.5]	Provided to the Lord Mayor	Ongoing
Number of exclusive staff supporting Mayor and Councillors [where applicable Clause 10.8]	Provided to the Lord Mayor	Ongoing

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

Notwithstanding the provisions of this policy, Council may resolve to approve expenses in excess of defined limits in this policy, or may resolve to increase the limits in this policy at any time.

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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 and be comfortable there is minimal wastage of public resources.
- 1.3. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.4. 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.
- 1.5. 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.
- 1.6. Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.
- 1.7. Councillors must provide claims for reimbursement within 60 days of an expense being incurred. Claims made after this time cannot be approved.
- 1.8. A report on Lord Mayor and Councillor expenses will be submitted to the Audit, Risk and Improvement Committee on a quarterly basis.
- 1.9. 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 2021
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 -	
Illawarra	Wollongong, Shellharbour and Kiama LGAs
Local travel	Travel within the Wollongong, Shellharbour, Kiama or Shoalhaven LGAs.
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.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed. Documentation to support items claimed for reimbursement are required to be presented to Council staff as part of the claim.

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.
- 6.3 Each Councillor may be reimbursed for reasonable travel expenses, up to a maximum of \$5000 per annum, 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

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- 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 sessions;
 - civic receptions;
 - meetings and inspections with Council staff;
 - 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 (to undertake official duties) 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 or general event invitations.
 - Councillors are to take the most direct route when travelling on official Council business.
- 6.5. Allowances for the use of a private internal combustion vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award*.
- 6.6. Allowances for the use of a private fully electric model vehicle, will be reimbursed, via any method identified in the *Local Government (State) Award*. If no methodology is defined the reimbursement will be calculated as follows:
- a) Identify the average electricity consumption per km travelled according to vehicle manufacturer specifications
 - b) Identify the Default Market Offer price for electricity set by the Australian Energy Regulator for the distribution zone where the Councillor resides
 - c) Identify the kilometres travelled in the claimable journey
 - d) Reimbursement calculated as $A \times B \times C$ identified above plus a 10% loading for depreciation
- 6.7. 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

- 6.8. 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.
- 6.9. 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.
- 6.10. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.11. The case should include:

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- 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;
- a detailed budget including costs for transport, accommodation and other out-of-pocket travelling expenses.

- 6.12. For interstate journeys by air of less than four hours, the class of air travel is to be economy class.
- 6.13. For interstate journeys by air of more than four hours, the class of air travel may be premium economy.
- 6.14. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.15. All Councillor travel arrangements will be centrally coordinated and booked by the Governance unit.
- 6.16. 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 under the Code of Conduct.

Travel expenses not paid by Council

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

Accommodation and meals

- 6.18. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.19. Council will reimburse reasonable costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Illawarra.
- 6.20. 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.
- 6.21. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.20.
- 6.22. Where possible, accommodation is to be booked at the conference venue unless the General Manager determines otherwise.
- 6.23. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

- 6.24. 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.
- 6.25. 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.

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Professional development

- 6.26. Council will set aside an amount annually in its budget to facilitate professional development of Councillors through programs, training and education courses. 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. Council will provide annual membership of professional bodies only in circumstances where payment of the membership fee will generate a larger financial saving in attendance at event/s with that professional body that the Councillor will attend. Council will not pay any renewals of such memberships.
- 6.29. Approval for professional development activities is subject to a prior written request to the General Manager 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 General Manager must consider the factors set out in Clause 6.29 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.
- 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 General Manager 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 General Manager. In assessing a Councillor request, the General Manager 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 6.18-6.21. If meals are included in the conference fees no other reimbursement or allowance for meals will be provided.

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 the 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.

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- 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

- 6.39. Council will meet:
- Registration and ticket costs of spouses, partners or an accompanying carer in attending official Council functions that are of a formal or ceremonial nature where the Councillor's spouse, partner or accompanying carer 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 a Councillor's accompanying carer at the Local Government NSW Annual Conference and the Australian Local Government Association's National General Assembly of Local Government.
 - 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.
- 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.

Special requirement and carer expenses

- 6.43. 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.
- 6.44. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.45. 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, up to a maximum of \$5,000 per annum.
- 6.46. 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.
- 6.47. Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative, up to a maximum of \$3,000 per annum.
- 6.48. 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.

Protection expenses and obligations

- 6.49. Council may assist in providing protection to Councillors from any substantiated adverse security threats to their person or property. Approval of the General Manager must be sought and gained prior to any expenses being incurred by Councillors.

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- 6.50. 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.
- 6.51. Requests will not be considered in circumstances where the NSW Police have not been informed of the security threat.
- 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, and the Independent Chair of the Audit, Risk and Improvement Committee.

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.

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
- 7.2. Insurance protection is only provided if a claim arises out of, or in connection with, the councillor's performance of their civic duties, or exercise of their functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

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:
 - 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

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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 in Council's Administration Building. Hard copies of council papers will not be automatically provided to Councillors. If necessary, Councillors can access the Councillor common room to print required documents, however electronic means are preferred in an aim to increase sustainability across Wollongong City Council.
 - Access to 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
 - Access to personal protective equipment, including umbrellas, for use during site visits
- 9.2. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Information and communications technology (ICT) provisions

- 9.3. Council will provide Councillors with a Council specified standard laptop device for Council business. The type of device will be appropriate for viewing papers and presentations. One Council specified

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additional computer screen will be provided per councillor where required to assist with viewing Council business at home.

- 9.4. The Chief Information Officer will identify the device to be provided in accordance with clause 9.3, with the same type of device to be provided to all Councillors. Only where access and usability issues are relevant, will the Chief Information Officer consider a separate device for an individual Councillor.
- 9.5. If a Councillor does not have the ability to connect the laptop to an internet connection, Council may provide an internet hotspot device, or similar, with an appropriate data usage cap. The cost of the device will be deducted from any available allowance outlined in 9.16
- 9.6. Any excess data allowance charges will be reimbursed to Council by way of deduction from the Councillor's next monthly Councillor fee payment.
- 9.7. Council will provide Councillors with appropriate induction in the use of the provided equipment.
- 9.8. Internet access on Council provided devices will be filtered by Council.
- 9.9. Usage of all Council provided technology requires compliance with Council's *Technology Acceptable Use* policy.
- 9.10. Council will provide support services for Council provided services and applications during business hours, being 8:00 am to 5:00 pm, to assist Councillors in resolving operational issues.
- 9.11. Access to a Council supplied email address and Councillor Portal will be provided on the laptop.
- 9.12. Servicing and repairs to all Council provided equipment will be coordinated through Council's IMT Service Desk facility during business hours, being 8:00 am to 5:00 pm, on the basis of a back-to-base service.
- 9.13. 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.

Telephones, Plan Charges and E-Subscriptions

- 9.14. Council will not organise nor provide Councillors with a fixed landline nor a data plan from an Internet Service Provider, except in accordance with 9.5.
- 9.15. Councillors may choose to have provided a Council issued mobile phone. This phone will be the standard issued to Council staff inclusive of apps provided and the standard data plan. Alternatively, Councillors can opt to organise their own mobile phone and phone plan. If a Councillor opts to organise their own phone, compliance with Council's *Bring Your Own Device* policy is required.
- 9.16. If a Councillor elects to have a BYOD phone, any phone plans, data plans and any fixed landlines to Councillor premises shall be reimbursed a maximum of \$150 per month per Councillor towards these costs. The plans obtained by Councillors may include bundled equipment including mobile / smart phones, hot spot devices etc subject to the maximum reimbursement being \$150 per month.
- 9.17. Councillors will also be reimbursed for subscription costs to one electronic news service or App subject directly related to their duties as a councillor, within the maximum reimbursement limit (defined in 9.16) per month. Councillors will not be entitled for re-imbursement of an e-news service if they are provided with a physical newspaper delivery service.
- 9.18. Councillors may choose to retain ownership of the phone at the conclusion of the Council term. The Councillor will be responsible for organising all transfer, insurance, maintenance, and replacement of such devices.
- 9.19. Claims for reimbursement must be lodged within 60 days of the expense being incurred and supported by a signed declaration form and supporting documentation.

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- 9.20. In the event that a Councillor has to break a contract for mobile and / or data due to ceasing being a councillor that council contribute towards plan cancellation costs if there are any, up to a maximum of the equivalent of three months payment of the relevant plan.

Postage

- 9.21. 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. Electronic Mail (E-Mail) where possible and appropriate is the preferred method of communication.

Administrative support

- 9.22. Council will provide limited 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.
- 9.23. 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

- 9.24. Council extends access to its Employee Assistance Program (EAP) to Councillors and their immediate family members (i.e. 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.
- 9.25. 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.

Newspaper Subscriptions

- 9.25. Consistent with Council's sustainability goals, Councillors are encouraged to take up an electronic newspaper subscription service in accordance with 9.16 rather than a physical newspaper delivery service. However if required a physical newspaper delivery of a relevant regional newspaper will be provided to Councillors on request.

Printing

- 9.26. Consistent with Council's sustainability goals, Councillors are encouraged to use electronic/digital services and formats wherever possible. However if Councillors need to undertake their own printing, they can utilise printers in the Councillor Common Room, or be provided with a personal device upon request.
- 9.27. If a Councillor is provided with a printer, they will be required to return any printed materials, that may be of a confidential nature, to Council for secure destruction or disposal.

Insignia of Office

- 9.28. Provision of a jacket to be worn at civic functions indicating that the wearer holds the office Councillor. In addition, Councillors may be provided suitable council branded apparel for wearing whilst undertaking official council functions

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10. Additional facilities for the Lord Mayor

- 10.01 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.
- 10.02 Full private use is available in accordance with the private use provisions contained within Council's Vehicle Management Policy.
- 10.03 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.
- 10.04 A parking space at Council's offices will be reserved for the Lord Mayor and Deputy Lord Mayor.
- 10.05 Council will provide the Lord Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.06 A Purchase Card will be provided to meet hospitality and other reasonable incidental expenses incurred by the Lord Mayor whilst at official Council events. Use of the Purchase Card is to be in accordance with Council's Purchase Card Policy. The Purchase Card is not to be used for the purchase of alcohol.
- 10.07 Expenses that are personal or not related to business purposes are not to be paid on Council credit card, irrespective of intention to reimburse Council at a later date.
- 10.08 In performing their 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.

Insignia of Office

- 10.09 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 technology equipment will be coordinated through Council's IMT Service Desk facility during business hours, being 8:00 am to 5:00 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 Lord Mayor irrespective of whether it is used for Council related business.

11. Payment of Lord Mayoral Fee to Deputy Lord Mayor

- 11.1 The Deputy Lord Mayor will receive payment of the Lord Mayoral fee for the period where –
 - a The Lord Mayor is unable to exercise the function of the Lord Mayor for a period of more than 30 calendar days for any reason and irrespective of whether leave of absence has been granted.
 - b The office of the Lord Mayor becomes vacant in accordance with section 234 of the Local Government Act 1993.
 - c A casual vacancy occurs in the office of the Lord Mayor within 18 months before the date specified for the next ordinary election of councillors as detailed in section 294 of the Local Government Act 1993. In this occurrence the Deputy Lord Mayor is to be the Councillor nominated by the Council to the Governor for appointment to the vacant office.

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- 11.2 The portion of the Lord Mayoral fee paid to the Deputy Lord Mayor in circumstance (a) outlined above is to be deducted from the Lord Mayor's annual fee in accordance with Section 249 (5) of the Local Government Act 1993.
- 11.3 Any reference to a Deputy Lord Mayor in this policy can be taken to include an Acting Deputy Lord Mayor, in the case where the Deputy Lord Mayor is absent. The appointment of an Acting Deputy Lord Mayor is by resolution of Council.

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COUNCILLORS' EXPENSES AND FACILITIES

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PART D – PROCESSES

12 Approval, payment and reimbursement arrangements

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

	General Manager Approval Only*	Report to Open Meeting of Council
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:	✓	
<ul style="list-style-type: none"> • 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.	✓	

- 12.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 12.2 A *Councillor Request to Attend External Event* application is to be submitted to the General Manager 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.
- 12.3 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).
- 12.4 The General Manager 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.
- 12.5 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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- 12.6 Overseas travel must be approved prior to the Councillor/s undertaking the trip.
- 12.7 Retrospective reimbursement of overseas travel expenses is not permitted.
- 12.8 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

- 12.9 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

- 12.10 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 12.11 The maximum value of a cash advance is \$250 per day of the conference, seminar or professional development.
- 12.12 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.
- 12.13 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:
 - 12.13.1 a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - 12.13.2 reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 12.14 If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 12.15 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

- 12.16 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

- 12.17 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within 60 days of an expense being incurred. Claims made after this time cannot be approved.

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.
- 13.3 Council's decision will be final and no further appeal will be permitted.

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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 Lord 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 a fair market price or written down value for the item of equipment.
- 14.3 The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.
- 14.4 Notwithstanding clause 13.2 equipment will not be available for purchase by a Councillor, if the Chief Information Officer determines that the device would present an information security risk if retained outside Council possession at the conclusion of the Councillors elected term.

15 Publication

- 15.1 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 A copy of this policy will be included in Council's annual report.
- 16.3 A report on Lord Mayor and Councillor expenses will be submitted to the Audit, Risk and Improvement Committee on a quarterly basis.
- 16.4 These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

17 Auditing

- 17.1 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 once during a term of Council.

18 Breaches

- 18.1 Suspected breaches of this policy are to be reported to the General Manager.
- 18.2 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.

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SUMMARY SHEET			
Responsible Division	Governance and Customer Service		
Date adopted by Council	19 November 2018		
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	August 2021		
Legislative or other requirements for review	<p><i>Local Government Act 1993 - sect 252</i></p> <p>(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></p> <p>(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		

COUNCILLORS' EXPENSES AND FACILITIES

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APPROVAL AND REVIEW	
Responsible Division	Governance and Customer Service
Date/s adopted	<i>Council</i> [To be inserted by Governance]
Date/s of previous adoptions	19/11/2018, 19/11/2015, 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	[Not more than two years from last adoption]