



## PAYMENT OF FEES AND EXPENSES AND THE PROVISION OF FACILITIES TO COUNCILLORS

### PURPOSE

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 Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

### SCOPE

This policy applies to situations where Councillors seek advance payment or reimbursement for expenses incurred whilst conducting council business. It also applies to situations where Councillors require or are provided with facilities to assist them in carrying out their civic responsibilities.

The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Hunters Hill Council.

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

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.

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

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.

The policy is also important as it encourages diversity of representation. By ensuring that Councillors are reimbursed for the expenses they incur while performing their official duties, a wider variety of members from the community are able to seek election to Council.

A Councillor's Facilities and Expenses Policy is also necessary for Council to comply with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Section 252 of the *Local Government Act 1993* requires councils:

*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.*

Section 253 of the *Local Government Act 1993* provides the following requirements before such a policy can be adopted or amended.

(1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*

(2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*

(3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

(4) *(Repealed)*

(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.*



Further reporting guidelines relating to Council's annual report are contained in Section 428 (4) of the Act and Clause 217 of the *Local Government (General) Regulation 2005*.

## **428 Annual reports**

(4) An annual report must contain the following:

(b) such other information or material as the regulations or the guidelines under section 406 may require.

## **Extract Local Government (General) Regulation 2005**

## **217 Additional information for inclusion in annual report**

(1) For the purposes of section 428 (4) (b) of the Act, an annual report of a council is to include the following information:

(a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations);

(a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:

(i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs);

(ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes;

(iii) the attendance of councillors at conferences and seminars;



(iv) *the training of councillors and the provision of skill development for councillors;*

(v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses;*

(vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses;*

(vii) *the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time;*

(viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

Clause 403 of the Regulation states that a council's policy for Councillors facilities and expenses must not include any provision enabling a council to pay a general expense allowance, or provide Councillors (other than the Mayor) with exclusive use of a motor vehicle.

In addition to relevant legislation, this policy has also incorporated other NSW Government Policy provisions. These include the 'Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW', the Model Code of Conduct for Local Councils in NSW, the ICAC publication 'No excuse for Misuse – preventing the misuse of council resources' and the following Circulars by the Department of Local Government:

- Circular 17/ 17 Councillor Expenses and Facilities Policy template.
- Circular 11/27 Findings from Review of Councillor Expenses and Facilities policy.



- Circular 9/36 Release of revised Councillor expenses and facilities Guidelines
- Circular 08/37 Council decision making prior to ordinary elections.
- Circular 08/24 Misuse of Council resources.
- Circular 08/03 Findings from review of Councillor expenses and facilities policies.
- Circular 07/22 Updated Guidelines for the payment of expenses and the provision of facilities to mayors and Councillors.
- Circular 06/57 Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors.
- Circular 05/08 Legal assistance for Councillors and council employees.
- Circular 02/34 Unauthorised use of council resources.

## OBJECTIVES

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.

## PRINCIPLES

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.
- **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.

## PRIVATE OR POLITICAL BENEFIT

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

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.

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



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.

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.

## DEFINITIONS

<b>Accompanying person</b>	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor.
<b>Companion</b>	Spouse, partner or accompanying person.
<b>Councillor</b>	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
<b>Delegate</b>	An elected member appointed to speak and vote on Council's behalf at any conference, seminar or the like.
<b>Expenses</b>	Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses are separate and additional to annual fees.



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<b>Facilities</b>	Equipment and services that are provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
<b>General Manager</b>	Means the general manager of Council and includes their delegate or authorised representative.
<b>Incidental Personal Use</b>	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct.
<b>Representative</b>	Any elected member of Council appointed as an official observer and/or alternate delegate and any senior staff member or any other person specifically authorised to attend on council
<b>The Act</b>	The <i>Local Government Act 1993</i>





## POLICY STATEMENT

### PART A PROVISION OF FACILITIES

#### 1. PROVISIONS OF FACILITIES, EQUIPMENT AND SERVICES TO COUNCILLORS

The following equipment, facilities and services are provided to Councillors:

##### *1.1 Stationery*

- Various stationery items for his/her elected member/civic office duties, which includes Council's standard stationery available from Council's stationery store.
- The appropriate letterhead for use by Councillors in replying to correspondence from electors.
- Council will meet the cost of postage of correspondence directly related to the role of the elected member.
- Twenty-five (25) Christmas cards each for forwarding in his/her role as an elected member of Hunter's Hill Council.
- Initially, 150 business cards each and thereafter, appropriate replacements for his/her role as an elected member of Hunter's Hill Council.

##### *1.2 Publications*

- A copy of Council's Code of Meeting Practice and Code of Conduct.
- A copy of the relevant publications produced to assist Councillors in the performance of their duties of office.

##### *1.3 Equipment*

- A briefcase of an appropriate standard, if requested in writing to the General Manager.
- Corporate attire and presentation items for use in connection with civic duties e.g. Hunter's Hill Council tie, scarf etc.
- Protective clothing and equipment if required.



## 1.4 Refreshments

- A refreshment cabinet maintained and stocked by Council.
- Tea, coffee and refreshments for Councillors when carrying out their duties in the Council Chamber during office hours.
- Light refreshments before or after Council and committee meetings.

## 1.5 Services

- Transport on committee inspections with relevant staff.
- Secretarial services on the following basis:
  - i. A transcription service will be provided for letters composed by Councillors.
  - ii. For a detailed response required by a Councillor, the correspondence should be tabled at Council and an appropriate corporate response prepared.
  - iii. Where correspondence of an urgent nature is required, the matter shall be referred to the General Manager.

## 1.6 Facilities

- Car parking at the rear of the council building after hours for Council and committee meetings.



## 2. PROVISION OF COMPUTER AND OTHER ELECTRICLA FACILITIES TO COUNCILLORS

### 2.1 *Computer and other Electronic Equipment*

#### a) Purpose of Providing Computer and other Electronic Equipment

Councillors will be provided with computer equipment, service, manuals and training to support Council's electronic applications, such as, but not exclusive to:

- i) The Council Business Paper, Minutes of Meetings and Policy Documents;
- ii) E-mail;
- iii) Internet access;
- iv) Production of simple word processing documents;
- v) Other Council applications as appropriate.

**To meet these provisions Councillors will be provided with either a:**

#### **Mobile Telephone**

Council will provide a mobile phone to any Councillor who requests it. The telephone will be of the same standard as those used within the Council and will be included in the Council's Telecommunications Provider's appropriate Corporate Plan.

The Council will cover the costs of calls and other charges associated with a Councillor's activity in their role as a Councillor up to a maximum of \$50.00 including GST per month (adjusted annually in line with inflation). Data charges are considered to be one component of "other charges".

If the Councillor uses a mobile phone issued by Council then a maximum allowance of 500Mb of monthly data are provided. Should the Councillor's data charges exceed 500Mb/month and this incurs additional charges to Council, then a portion of the excess charge may be deducted from the \$50.00 allowance.

Councillors who already have a mobile telephone and wish to retain it for use in their civic duties will have the cost of calls and other charges associated with a Councillor's activity in their role as a Councillor paid up to a maximum of \$50.00 per month (adjusted annually in line with inflation) upon receipt of an appropriate claim (Appendix 2).



Councillors should be aware that it is their responsibility to contact Council's Information Technology Department prior to any overseas travel to ensure they are aware of any increased mobile telephone charges due to global roaming, and to have their phone settings changed accordingly (enable "Don't use data on roaming" or similar) in order to minimise unexpected costs.

**OR**

## **A Device**

Councillors will be issued with a Device, upon request, for use in receiving and reading Council business papers, along with other documents which would otherwise be provided in hard copy.

The Device will be of the same standard as those used within the Council. Councillors may tether the device to their mobile phones when not in range of a Wi-Fi network, however the associated data charge is incorporated into the monthly charge allowance (see above).

Only devices issued by Council and managed by Council's IT systems may be configured to interface with Council's internal network.

## **Home Office**

Council will subsidise the costs of an internet connection at a nominated location for the purpose of accessing the Internet and email for Council or business. The expense for the installation of the connection and its associated use will be met by Council, at cost. Council will subsidise a broadband internet connection up to a maximum of \$30.00 including GST per month (adjusted annually in line with inflation).

Councillors who already have an internet connection or home phone and wish to retain it for use in their civic duties will have the cost of the service and any other charges associated with a Councillor's activity in their role as a Councillor paid up to a maximum of \$30.00 (inc GST) for broadband internet and \$20 (inc GST) for home phone (adjusted annually in line with inflation) upon receipt of an appropriate claim (Appendix 2).



## b) Basis of Provision

Computer equipment will be provided to Councillors on the following basis:

- i) The installation, servicing and upgrading of computer equipment will be coordinated through Council's information technology personnel.
- ii) The computer equipment, levels of service, types of manuals and training will be reviewed annually.

## c) Computer Support

All support for Council's Electronic Applications will be coordinated through Council's information technology personnel. Telephone support will be provided weekdays between 9.00am and 5.00pm.

## d) Computer Training

Council's information technology personnel will coordinate all training for Council's Electronic Applications.

## e) Private Use of Council Provided Device and other Electronic Equipment

In addition to Council's electronic applications, Council has agreed that a degree of private use may be made of the Device and other electronic equipment. For this purpose the following guidelines will apply:

- i) It is acknowledged that all Devices and other electronic equipment is provided to Councillors primarily to support Council's Electronic Applications outlined above.
- ii) Any secondary or private use is not to impact on the correct functioning of Council's Electronic Applications.
- iii) Private use is conditional upon the following guidelines:
  - Councillors take responsibility for any private software licences ensuring copyright laws are not infringed.
  - Councillors take responsibility for any information accessed on the Internet ensuring Federal censorship laws are not infringed.
  - Installation and removal of private software and hardware will be coordinated with Council's Information Technology personnel.
  - No support will be provided for these private applications and equipment through Council's Information Technology personnel.
  - Councillors acknowledge that the private equipment may be removed or disconnected by Council's Information Technology personnel where it interferes with Council's Electronic Applications.



- Council's Information Technology personnel can take no responsibility for private applications or data. Private data loss may occur.
- Councillors take responsibility to back up or restore any private or personal information.
- Councillors are responsible for the security of sensitive or privileged Council information on the computer equipment.
- Councillors bear the cost of private software or services.
- Councillors take responsibility for granting permission to any others using the computer equipment.

f) Specification of Devices or other Electronic Equipment Provided

Computer or other electronic equipment will be provided in accordance with any Council standards, purchasing specifications, agreements or buying plans or agreements.

Devices or other electronic equipment not complying with the above will not be provided.

g) Limitation

Such Device or other electronic equipment is for use by the Councillor on matters relating to duties of office and private use as approved and is to remain in the possession of the Councillor during his/her term of office, being returnable to Council on the Councillor leaving public office.

## 2.2 *Computer Internet Access*

### **See Home Office in 2.1 above**

Access to and use of internet and email facilities is to be in accordance with Council's Access and Use of Internet and Email Policy.

## 2.3 *Computer Equipment Consumables*

- a) A councillor utilising Council provided Device or other electronic equipment will be provided with any necessary consumables required to properly operate the equipment.



- b) A Councillor utilising their own computer, or printer, upon presentation of receipts, or other proof of purchase, will be reimbursed for any paper, printer cartridges or other relevant consumables required to properly operate the equipment.

### 3. ADDITIONAL FACILITIES, SERVICES AND EQUIPMENT FOR THE MAYOR/ACTING MAYOR

#### 3.1 *Additional facilities, services and equipment for the Mayor*

In addition to the facilities listed in sections 1 and 2 above, the Mayor of Hunters Hill will be provided with the following items and facilities, which remain the property of Council and must be returned to Council upon the Mayor ceasing to hold office:

- a) An office, suitably furnished.
- b) An allotted parking space adjacent to the building located at 22 Alexandra Street, Hunters Hill.
- c) Ceremonial clothing including Mayoral Robe and Mayoral Chain of Office.
- d) A suitable name badge.
- e) The Mayor will be provided with access to the services of a suitably qualified and experienced Personal Executive Assistant.
- f) mobile telephone, or a mobile telephone billing plan, or reimbursement:
  - i) of reasonable call costs associated with a mobile telephone provided that the costs are incurred as part of the responsibilities and functions of the position.
  - ii) The cost to Council of the facility selected from any of these options is not to exceed \$100.00 per month.

#### 3.2 *Additional facilities, services and equipment for the Acting Mayor*

When the Deputy Mayor is the Acting Mayor he/she will have use of the additional facilities provided for the Mayor as mentioned above.

The Deputy Mayor will also be provided with the same executive support as the Mayor i.e. access to a personal assistant/executive assistant.



## 4. PRIVATE USE OF EQUIPMENT AND FACILITIES

Incidental use of council equipment and facilities from time to time is permissible and will not be subject to a compensatory payment. For further information refer to Part C, Section 1 of this policy 'Unauthorised use of Council Resources'.

## 5. ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES BY COUNCILLORS

At the cessation of their duties, Councillors may purchase Council equipment previously allocated to them. If the item is for sale it should be purchased at an agreed fair market price or written down rate. All other equipment and facilities that are not purchased, must be returned.





## PART B PROVISION OF EXPENSES

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Councillors are entitled to the expenses set out in this policy provided that they satisfy the stated requirements.

### 1. PAYMENT OF EXPENSES GENERALLY

#### 1.1 *No general expense allowance*

Council will not provide general expense allowances to Councillors, a general expense allowance being a sum of money paid by Council to a Councillor to expend on an item or service that is not required to be receipted or reconciled according to a set procedure.

#### 1.2 *Reimbursement to be made in accordance with policy*

For Councillors to be reimbursed for expenses and costs incurred, the expenses and costs incurred must be in accordance with this policy or a specific resolution of Council.

#### 1.3 *Claim form to be completed*

The appropriate claim form must be completed (Appendix 2).

All appropriate tax invoices and receipts must be attached to the claim form.

The claim must be lodged within six months after the expense being incurred.

#### 1.4 *Payment in advance*

Councillors may request payment in advance for expenses to be incurred in attending conferences, seminars and training. However, Councillors must fully reconcile all expenses against the cost of the advance when they return, by lodging a claim form with the appropriate tax invoices and receipts within six months after the expense being incurred.

#### 1.5 *Approval*

All claims for expenses should be submitted to the General Manager or his delegate for approval. Where possible, approval should be sought and gained prior to expenses being incurred.



## 1.6 *Monetary limits for all expenses*

All reimbursements for expenses are subject to the monetary limits stated in this policy.

## 1.7 *Gifts and benefits to be of token value*

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Council's Gifts and Benefits Policy (CORP.S.16).

## 1.8 *No private benefit*

Councillors must not obtain private benefit from expenses and facilities, other than incidental private benefit. See Part C for further detail.

## 2. FUNCTIONS, EVENTS AND CONFERENCES TO BE COVERED

### 2.1 *Official Council Functions*

The authorised official council functions to which this policy relates include but are not exclusive to:

- Australia Day award ceremony
- Citizenship ceremonies
- Civic receptions
- Charitable functions for charities normally supported by the Council
- Council and Committee meetings and formally resolved on-site inspections.

### 2.2 *Seminars and Conferences*

The authorised conferences to which this policy relates are:

- a) The annual conference of:
  - i) The Local Government Association of NSW
  - ii) The NSW Branch of the Australian Local Government Women's Association
  - iii) The Australian Council of Local Government Associations, and occasional special conferences, seminars and training courses conducted by the same organisations.



- b) Conferences or seminars held by other associations for Councils or organisations with which the Council is affiliated and where attendance would be beneficial to the Council.

## *2.3 Non-council functions*

Attendance at dinners and other non-council functions is appropriate where they provide briefings to Councillors from key members of the community, politicians and business. Approval will only be given for such events when the function is relevant to Council's interest. No donations to political parties or candidate's electoral funds will be funded. It may be possible however to make an additional payment to a registered charity.

## *2.4 Professional Development, Training and Education*

Council encourages active learning and skill development for all Councillors.

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.

Where an educational or training event is provided, that is not a conference or seminar, but is directly related to the business of the Council or a Councillor's civic functions and responsibilities, reasonable costs will be covered or reimbursed.

Council will set aside an amount annually in its Management Plan to facilitate professional development of elected representatives through attendance at conferences, seminars and training.

### ***Seminars, Conferences and Training***

The Mayor has delegated authority to authorise the attendance of Councillors at seminars, conferences, training and meetings in accordance with Council's policy. Requests for the Mayor to exercise delegated authority in such circumstances should be in writing, outlining the benefits to Council.



Attendance at seminars, conferences, training sessions or meetings exceeding one (1) days duration and involving an overnight stay, may only be authorised by resolution of Council, unless extenuating circumstances exist.

After returning from the seminar, conference, training session or meeting Councillors, or a member of Council's staff accompanying the Councillor(s), should provide a Delegates Report to Council on the aspects of the seminar, conference, training session or meeting relevant to Council business and or the local community.

## 2.5 *Interstate*

Prior approval for travel to other states and territories within Australia is required from the Council. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

## 2.6 *Overseas*

If a Councillor is seeking the Council to cover costs and expenses for an overseas trip, a detailed proposal must be developed for each proposed visit.

The proposal must include the following details:

- (a) the Councillors to attend;
- (b) the purpose of the trip;
- (c) expected benefits;
- (d) duration;
- (e) itinerary;
- (f) approximate total costs.

The proposal must then be included in the Council Business Paper but not as a Mayoral Minute, then considered and decided upon by a meeting of the full Council.

If permission is granted for overseas travel, after returning the Councillor/s who attended the overseas trip must provide a detailed written report to council on the aspects of the trip relevant to council business and/or the local community.



## 3. NUMBER OF DELEGATES TO ATTEND

The maximum number of delegates and/or representatives attending an authorised conference, seminar, function shall be:

- (a) In the case of the NSW Local Government Association Annual Conference – two delegates and two representatives.
- (b) In any other case - as determined or confirmed by a Council resolution.
- (c) In the case of seminars or functions, this shall be with the approval of the Mayor, provided that such delegation shall not be exercised if there is a Council meeting prior to the closing date for registration.

## 4. MONETARY LIMITS, STANDARDS AND ARRANGEMENTS

### 4.1 General Travel Arrangements

- a) All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.
- b) The recognised standard of travel to authorised events shall be as follows:
  - i) Rail/Coach – First Class
  - ii) Other – Economy Class or equivalent
- c) For shorter distances, travel by Council car or private motor vehicle is preferred.
  - i) Where a Council car is assigned, the reimbursement of expenses shall be limited to the actual cost of fuel, oil and maintenance or repair of the vehicle.
  - ii) Where travel is by private motor vehicle, the Kilometre rates for travel will be paid at the rate set by the appropriate Local Government Industrial Award (or other relevant industrial instrument that may exist from time to time), as at the date of travel.
  - iii) For reimbursement for travel to and from meetings of the council or the meetings of any other committee of the council or on-site inspection, the allowance is payable only from the Councillor's residence to the Council offices or designated meeting place. Should a Councillor be attending a meeting not departing from his/her residence, any claim is limited to the place of



departure or the Council boundary, whichever is closer.

- iv) Where a Councillor uses his/her car to attend an approved meeting, conference, seminar or other authorised engagement the total claim for use of the vehicle must not exceed the cost of air travel at the specified class, plus the taxi fares to and from the airports.
  - v) Under all circumstances the driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.
- d) Where a delegate or representative extends the visit beyond the term of the conference/event program or proceeds to an alternative destination for personal or private business reasons, any distance travelled above the most direct route to or from the conference venue shall be the responsibility of the individual.

## 4.2 Accommodation

Where the cost for accommodation is provided, the cost shall be the actual cost, excluding personal expenses such as private telephone calls. Telephone calls are covered in the daily incidental expenses allowance if applicable.

The cost for accommodation includes accommodation for companions provided there is no additional cost for accommodation e.g. a separate room except where a Councillor or delegate requires a carer.

Standard of accommodation depends on location of function and availability, but should not have a rating of less than three stars.

## 4.3 Incidentals

In addition to travel and accommodation a daily limit of \$100 may be provided for business related incidentals such as:

- Telephone;
- Facsimile;
- Refreshments;
- Internet Charges;
- Laundry and Dry Cleaning;
- Newspapers;



- Taxi Fares;
- Parking Fees;
- Road Tolls;
- Meals not included in registration fees. This shall be limited to the actual cost of basic meals and reasonable costs for beverages.

Upon returning, a Councillor must claim for incidentals by completing the relevant claim form and attaching all relevant receipts and tax invoices.

If the General Manager is attending a conference, seminar or function, incidental expenses will be paid by the General Manager.

#### 4.4 *Bookings & Arrangements*

All tickets or registration for functions and bookings for travel and accommodation will be arranged by council staff in consultation with the General Manager and the relevant Councillor(s).

Expenses will be paid for on Council's corporate credit card. Councillors will not have the opportunity to accrue private travel bonuses or rewards from any other loyalty schemes.

## 5. PAYMENTS OF EXPENSES FOR COMPANIONS

No objection is raised to attendees being accompanied by their spouse/partner/accompanying person, subject to Council not being involved in further registration, travel and accommodation cost and any out of pocket or peripheral expenses.

#### 5.1 *Official Council Functions*

The reasonable costs of companions will be met for their attendance at official council functions that are formal and ceremonial nature within the Local Government Area (LGA), and which a Councillor's spouse, partner or accompanying person could be reasonably expected to attend. Such functions include but are not limited to:

- Australia Day Award Ceremony
- Citizenship Ceremonies
- Civic Receptions
- Charitable Functions for charities normally supported by the Council.

Reasonable costs include costs of up to \$150 per function, per companion.

The payment of expenses is confined to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses such as



grooming, special clothing and transport are not considered reimbursable expenses.

## 5.2 *LGSA Annual Conference*

The expenses of companions associated with attendance at the Local Government and Shires Associations' annual conferences will be met and will be limited to:

- The cost of registration
- The official conference dinner.

Any travel expenses, additional accommodation expenses, and any other costs would be the personal responsibility of individual Councillors.

## 5.3 *Official Functions outside the LGA and within NSW*

The reasonable expenses of a companion of the Mayor, or a Councillor representing the Mayor, will be paid where the Mayor or the Mayor's representative is called on to attend an official function of council, or carry out an official ceremonial duty outside of the LGA but within NSW. Such functions could include charitable functions to which the Mayor has been invited, award ceremonies and other functions to which the Mayor is invited to represent the council. Reasonable expenses include costs of up to \$150 per function, per companion.

The payment of expenses is confined to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.

## 5.4 *Functions Interstate and Overseas*

Costs and expenses of the companion accompanying a Councillor at any event or function interstate or overseas will not be paid, except for the LGSA annual conference.

## 5.5 *Seminars and Conferences*

Costs and expenses for companions accompanying Councillors to seminars or conferences will not be paid. In these situations, all costs must be met by the Councillor, or the companion.





## 6. PARTICIPATION, EQUITY AND ACCESS

6.1 Council encourages as wide a participation and interest in civic office as possible, and seeks to encourage participation on Council of people from diverse backgrounds, including those in primary caregiver roles, people with sight or hearing impairments, and people with other disabilities

6.2 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 carers expenses up to a maximum of \$2,000 per annum for attendance at Council and Committee Meetings and other official civic functions noted below, plus reasonable travel from the principal place of residence. Expenses may be claimed for children up until and including the age of 16 years. Reimbursement to be made after submission of receipts and tax invoices and completion of a formal claim, with same to be lodged within one (1) calendar month of being incurred. Official civic functions include:

- Attendance at Ordinary and Extraordinary meetings of Council.
- Attendance at Council Committee meetings of which the Councillor is a member.
- Attendance at Ordinary, Committee and Sub-Committee Meetings of an organisation where the Councillor has, by Council resolution, been duly elected as a Council delegate.
- Attendance at inspections, within or outside the area as authorised by Council resolution or by the Mayor under delegated authority.
- Attendance at official Council functions authorised as Council business by a resolution of Council.
- Attendance at conferences, seminars and training approved by Council resolution or by the Mayor under delegated authority.



- Attendance at functions to which the Mayor has been invited, which are attended at the request of the Mayor.

Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable, such as advice from a medical practitioner in the event of caring for an adult person.

- 6.3 It will be ensured that all areas of the Council premises and associated facilities relevant to a Councillor in the conduct of their civic duties and business of council are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities. Transportation provisions as outlined in this policy, such as access to cab charges, will also assist Councillors who may be unable or unwilling to drive a vehicle.
- 6.4 In addition to the provisions of 6.3, for any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties.

## 7. LEGAL EXPENSES

- 7.1 Council may indemnify or reimburse the reasonable legal expenses of a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993 (see Section 731 of the Act).
- 7.2 Council may reimburse the reasonable legal expenses of a Councillor incurred in the event of an inquiry, investigation or hearing by any of:
- The Independent Commission Against Corruption (ICAC);
  - The Office of the Ombudsman;
  - The Department of Local Government;
  - The Police;
  - The Director of Public Prosecutions;
  - The Local Government Pecuniary Interest Tribunal;
  - Any other tribunal or authorised body.

into the conduct of a Councillor, or legal proceedings being taken by or against a Councillor, provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of the Councillor's functions under the Act and the matter before the investigative or review body has processed past any initial assessment phase to a formal investigation or review.



Council may reimburse a Councillor after the conclusion of such an inquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the inquiry, investigation, hearing or proceeding, on a solicitor/client basis.

- 7.3 In the case of a conduct complaint made against a Councillor, legal expenses will only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct.
- 7.4 In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.
- 7.5 Legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. A finding that a minor technical breach has occurred may not necessarily be considered a substantially unfavourable outcome.
- 7.6 Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances.
- 7.7 Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking non-litigious remedy for possible defamation.
- 7.8 Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as Councillor.
- 7.9 Where possible, the approval of the General Manager should be sought and gained prior to legal expenses being incurred



## 8. INSURANCE EXPENSES

Council has insurance provisions for Councillor's which cover:

- a) Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their council functions).
- b) Professional indemnity (for matters arising out of Councillors' performance of their civic duties and/or exercise of their council functions).
- c) Personal injury while on council business.
- d) Travel insurance for approved interstate and overseas travel on council business.

Council's insurance is subject to any limitations or conditions set out in Council's insurance policy.



## PART C UNAUTHORISED USE OF COUNCIL RESOURCES & DISPUTE RESOLUTION

### 1. UNAUTHORISED USE OF COUNCIL RESOURCES

- 1.1 Council resources must be used ethically, effectively, efficiently and carefully. Council resources must not be misused by any person or body for private benefit or gain.
- 1.2 Council facilities, equipment and services should be used in accordance with the Code of Conduct and should not be used to produce election material or for any other political purpose.
- 1.3 Councillors must avoid any action or situation that could create the appearance that Council resources are being used inappropriately.
- 1.4 Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on Council business. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment back to Council.

However, when more substantial private use occurs, a payment must be made to cover the level of that private use.

- 1.5 Official Council material such as letterhead, publications, and websites, as well as Council services and forums, must not be used for personal interests. A person's re-election is considered to be a personal interest, as are the fundraising activities of political parties (including political fundraising events).
- 1.6 All Councillors should have a clear understanding of their responsibilities in using Council resources. Guidance is given in paragraphs 5.2 and 5.3 of the Code of Conduct, which requires that:
  - a) A Councillor must not use his or her official position to accept or acquire an unauthorised personal profit or financial advantage (other than of a token kind).
  - b) A Councillor must not use Council resources for private purposes unless such use is lawfully authorised and proper payment is made where appropriate.



- c) A Councillor must not convert to his or her own uses any property of the Council.

- 1.7 A Councillor should at all times be scrupulously honest in the use of Council resources of all kinds, both physical and human. Use of such resources should be in accordance with Council's policies concerning payment of expenses, provision of facilities etc. A Councillor should not use his or her position to obtain any benefit, which would not otherwise be available.

Council resources comprise anything which is paid for, owned or controlled by Council. Resources include:

- a) Staff time;
- b) Materials and supplies;
- c) Facilities;
- d) Motor vehicles, fuel, spare parts and accessories;
- e) General plant and equipment;
- f) Office equipment;
- g) Communication and information devices and services (such as phones, computer equipment, internet and email services);
- h) Intellectual property.

Misuse of resources occurs when they are used for unofficial purposes and without proper authorisation.

- 1.8 All Councillors must observe the Council's Code of Conduct. Although no statutory penalties apply for a breach of the Code, there could be admonition of the Councillor's actions by the Council, the Department of Local Government, a Departmental representative, other investigative bodies, the media or the community if the Code is breached.

## 2. DISPUTES

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



## PART D ANNUAL REPORTING

### 1. ANNUAL REPORTING REQUIREMENTS

- 1.1 Council's annual report must include detailed information about the payment of expenses and provision of facilities to Councillors. Separate details on each of the following must be provided:

#### **General**

Details of the total cost, during the year, of the payment of expenses and provision of facilities to Councillors in relation to their civic functions.

#### **Provision of facilities**

The cost of the provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile phones, landline phones, fax machines and Internet access installed in Councillor's homes (including line rental and Internet access). This does not include the costs of using this equipment, such as making calls.

#### **Expenses**

- The cost of phone calls including mobiles, home-located landlines, facsimile and Internet services;
- Conference and seminar expenses;
- Spouse/partner/accompanying person expenses;
- Training and skill development expenses;
- Interstate travel expenses (including subsistence and out-of-pocket expenses);
- Overseas travel expenses (including subsistence and out-of-pocket expenses);
- Care and other related expenses (of dependants to enable a Councillor to undertake his or her civic functions).

This information may be provided for each Councillor or for all Councillors as a group.



## RELATED RESOURCES

Hunter's Hill Council Code of Conduct (CORP.S-Pol.03)

Hunter's Hill Council Access to and Use of Internet and Email Policy (HR-Pol.14)

## POLICY OWNER

The policy authority is the General Manager.

## AUTHORISATION AND REVIEW

### Next Review Date

Within 12 months of the commencement of the next term of Council (September 2021)

### Public Notice

1. Council must give public notice of its intention to make substantial changes to this policy, allowing at least 28 days for the making of public submissions

This requirement applies to the review process set out in Part E, Section 1.1 of this policy, even if the policy remains the same (as required by Section 253(5) of the Act). Council must give public notice of its intention to make substantial changes to this policy, allowing at least 28 days for the making of public submissions

This requirement applies to the review process set out in Part E, Section 1.1 of this policy, even if the policy remains the same (as required by Section 253(5) of the Act).

2. Before amending the policy, Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the proposed amendments.





## Version Control Table

Date	Resolution	Amendments
29 May 2000	217/00	Original Policy Adopted
8 November 2004	454/04	<p>Changes include:</p> <ol style="list-style-type: none"> <li>1. Reimbursement – rather than requiring a Council resolution to approve a reimbursement claim for expenditure for a conference, a submission of claim may be made in writing to the General Manager with all necessary receipts and supporting documentation attached.</li> <li>2. Standard of travel – for forms of travel other than rail, the standard of travel was reduced from business class or equivalent to economy class or equivalent. In addition to this the total cost of travel by car must not exceed the cost of air travel.</li> <li>3. Other out-of-pocket expenses may be claimed subject to submitting a written claim to the General Manager rather than the Council.</li> <li>4. More specific guidelines relating to the provision of facilities including the nature of facilities provided and limits set for quantity and cost provided.</li> <li>5. Provision of insurance included.</li> <li>6. Legal expenses included.</li> <li>7. Annual fees included.</li> <li>8. Unauthorised use of Council resources included.</li> <li>9. Disputes included.</li> <li>10. Guidelines for access and use of internet and email attached as an appendix.</li> </ol>



Date	Resolution	Amendments
26 February 2007	51/07	<p>Changes include:</p> <ol style="list-style-type: none"> <li>1. Re-formatted into new policy format.</li> <li>2. Section on annual fees removed.</li> <li>3. Access to and Use of Internet and Email Policy removed from the appendices.</li> <li>4. More detail has been provided on the types of events, conferences and seminars that the policy covers.</li> <li>5. Time limit for lodging claims for expenses amended from three months to twelve months for the expense being incurred.</li> <li>6. Monetary limits set for costs associated with attendance at certain functions referred to in the policy.</li> <li>7. Additional specific guidelines are included on accompanying persons.</li> <li>8. General guidelines included to cover the cost of carer arrangements, including child care and care of elderly, disabled or sick immediate family members if appropriate.</li> </ol>
10 September 2007	370/07	Annual Policy review. No changes made. Policy reaffirmed.
8 December 2008	471/08	
	Page 2	<p>Insert additional circulars:</p> <p>Circular 08/03 Findings from review of Councillor expenses and facilities policies</p> <p>Circular 07/22 Updated Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors</p>
	Page 8	<p>PART B PROVISION OF EXPENSES</p> <p>Inserted a statement regarding exclusion of general expenses.</p>



Date	Resolution	Amendments
	Page 10	Inserted Clause 2.4 Professional Development, Training and Education
	Page 10	Inserted provision for reimbursement.
	Page 10	Inserted additional paragraphs for clarification, authorisation and accountability.
	Page 14	<p>CARER SUPPORT</p> <p>Replacement clauses:</p> <p>6.1 Carers Expenses</p> <p>6.2 Expenses and Facilities for Councillors with Disabilities</p>
	Page 22	Claim Form (Appendix 2)
28 September 2009	308/09	<p>Changes include:</p> <ol style="list-style-type: none"> <li>1. Added Part A - Annual Fees.</li> <li>2. Added Part E – Review and Amendment of Policy.</li> <li>3. Altered Scope and Background sections to reflect inclusion of Annual Fees.</li> <li>4. Updated list of DLG Circulars.</li> <li>5. Changed number of Christmas cards provided to Councillors from 50 to 25.</li> <li>6. Expanded Part D, Section 1.3 on Misuse of Resources.</li> </ol>
November 2009	379/09	<p>Changes include:</p> <ol style="list-style-type: none"> <li>1. Removal of Part concerning Annual Fees, made into a separate policy.</li> </ol>



Date	Resolution	Amendments
		<ol style="list-style-type: none"> <li>2. Updated definitions.</li> <li>3. Section on Payment of Expenses Generally expanded to cover the prohibition of general expense allowances, the approval process that gifts and benefits are to be of token value, and the no private benefit rule.</li> <li>4. Expansion of Section on Legal Expenses.</li> <li>5. Expansion of Section Unauthorised Use of Council Resources.</li> <li>6. Addition of Part on Annual Reporting.</li> <li>7. Addition of Section on Submission to DLG.</li> </ol>
October 2011	359/11	Policy confirmed. No changes (Status Quo)
December 2012	335/12	<p>Changes include:</p> <ol style="list-style-type: none"> <li>1. Deletion of provision of Fax machines.</li> <li>2. Provision for the inclusion of mobile phones and tablets (iPads)</li> <li>3. Provision for dedicated email and usage.</li> <li>4. Increase in subsidy for Internet connection.</li> <li>5. Change in subsidy for home phone line.</li> <li>6. Variation in time frame for claims – now within 6 months of expense being incurred.</li> </ol>
February 2013	21/13	<p>Minor changes in wording to correct anomalies following resolution 335/12.</p> <p>Variation in time frame for claims and reconciliation of claims made in advance - now also within 6 months as for other claims.</p>
November 2018	359/18	<p>Changes include :</p> <ol style="list-style-type: none"> <li>1. Amendments to Purpose, Background, Professional Development and Definition Sections</li> <li>2. The replacement of the word Ipad/Tablet or computer with the word Device.</li> </ol>

# HUNTER'S HILL COUNCIL POLICY REGISTER



Date	Resolution	Amendments
		<ol style="list-style-type: none"><li data-bbox="746 259 1310 365">3. Inclusion of additional sections – Objectives, Principals and Private or Political Benefits.</li><li data-bbox="746 398 1302 465">4. Updated references to relevant legislation and review requirements</li></ol>

# COUNCILLOR CLAIM FOR REIMBURSEMENT OF OUT-OF-POCKET EXPENSES



## APPENDIX 2

COUNCILLOR ..... Date ...../...../.....

Type of Expenses	
<b>1. Phone</b>	
<b>Mobile Phone Entitlement:</b> Calls and other charges up to a maximum \$50 (inc GST) / Month ( \$100/month for Mayor)	
<b>Claim:</b>	
<b>Home Phone Entitlement:</b> Maximum \$20 (inc GST) / month	
<b>Claim:</b>	
<b>Sub-Total</b>	\$
<b>2. Computer Equipment/Broadband</b>	
<b>Entitlement:</b> Internet plan reimbursement – Maximum \$30/month (inc GST)	
<b>Claim:</b>	
<b>Entitlement :</b> Consumables reimbursement	
<b>Claim:</b>	
<b>Sub-Total</b>	\$
<b>3. Other (Please specify) –</b>	
<b>Sub-Total</b>	\$
<b>Total Reimbursement Due</b>	\$

*Please attach receipts, copies of accounts or other proof of purchase for each claim*

I hereby certify that these costs incurred relate to the performance of my civic duties as a Councillor and are in accordance with Councils adopted Councillors Fees and Expenses Policy.

Councillor Signature ..... Date ...../...../.....

Authorised ..... Date...../...../.....

# COUNCILLOR CLAIM FOR REIMBURSEMENT OF OUT-OF-POCKET EXPENSES



## APPENDIX 2

COUNCILLOR ..... Date ...../...../.....

Type of Expenses	
<b>1. CONFERENCE, SEMINAR or TRAINING</b>	\$
<b>Sub-Total</b>	\$
<b>2. ACCOMMODATION</b>	
<b>Sub-Total</b>	\$
<b>3. MEALS</b>	
<b>4. TRAVEL EXPENSES</b>	
<b>Sub-Total</b>	\$
<b>5. PARKING</b>	
<b>6. OTHER (Please specify) – Mobile Phone</b>	
<b>Total Reimbursement Due</b>	

*Please attach receipts, copies of accounts or other proof of purchase for each claim*

I hereby certify that these costs incurred relate to the performance of my civic duties as a Councillor and are in accordance with Councils adopted Councillors Fees and Expenses Policy.

Councillor Signature ..... Date ...../...../.....

Authorised ..... Date...../...../.....