

ITEM 6

**POLICY REVIEW - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO LORD MAYOR AND COUNCILLORS**

Section 252 of the Local Government Act 1993 requires that the Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy is reviewed and adopted within five months after the end of each financial year.

**RECOMMENDATION**

- 1 The draft amended Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy be placed on public exhibition for a minimum period of 28 days and submissions be invited from the public.
- 2 A further report be submitted to Council following conclusion of the public exhibition period, along with a summary of any submissions received.

**ATTACHMENTS**

Draft Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors Policy

**REPORT AUTHORISATIONS**

Report of: Lyn Kofod, Manager Governance and Information  
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

**BACKGROUND**

Council is required to adopt a policy concerning the payment of expenses incurred, or to be incurred by, and the provision of facilities to, the Lord Mayor and Councillors in relation to discharging the functions of civic office.

This policy is required to be reviewed on an annual basis to ensure accountability and transparency in the reasonable and appropriate provision of expenses and facilities to Mayors and Councillors in New South Wales.

None of the proposed changes to the policy are considered to be substantial.

**PROPOSAL**

The review of the operation of the policy since it was last amended and adopted on 11 November 2013 has commenced earlier than usual at the request of Councillors and the following changes have been recommended to the policy:

**Allowances and Expenses**

Laundry and dry cleaning costs are included as incidental expenses in the policy.

The proposed amendment relates to expenses incurred in association with overnight travel and accommodation.

### **Community and Charitable Functions**

- i Council provides a budget allocation in the Annual Budget for Councillor attendance at community functions. It is proposed to extend this to include charitable functions.
- ii The policy currently allows for expenses to be reimbursed to a Councillor for 'hire of special attire' when attending a community function. It is no longer considered to be a relevant expense directly related to a Councillor carrying out their civic duty and is proposed for deletion.

### **Conference Reports**

Councillors returning from conferences currently provide a written report to Council via the Councillor Information Folder.

It is proposed that this be extended to include reporting to Council in the same manner when returning from Council related overseas travel.

### **Mobile Telephone and Information Communication Technology**

- i It is proposed to amend the wording of the policy to set the "minimum" data allowance available to Councillors for use of their mobile phones (1GB) and iPads (3GB) to allow for negotiation with providers to ensure Councillors have access to the best available plans without a need to amend this policy if increases to data allowances are to be made.
- ii Councillors currently receive a monthly phone account and are required to complete an online mobile phone usage declaration, highlighting any personal call charges to be reimbursed to Council.

The proposed amendment clarifies that declarations are required to be completed on a monthly basis.

### **Meals**

The policy states that Councillors are to be provided with meals and refreshments, excluding alcohol, prior to Council Standing Committee meetings. This is to be extended to include Council Meetings and Councillor Briefings.

Councillors currently receive meals and refreshments at these times and this is an update to the policy in order to reflect current practices.

### **Insignia of Office (Lord Mayor)**

Council provides a Lord Mayoral Robe and Chain which may be worn at civic receptions, citizenship ceremonies and other appropriate functions by the Lord Mayor. The policy is to be updated to include reference to the Lord Mayoral Robe as a formal Insignia of Office.

## CONSULTATION AND COMMUNICATION

The proposed amendments to this policy are to be placed on public exhibition with submissions invited from the community prior to report back to Council.

## PLANNING AND POLICY IMPACT

Section 252 of the Local Government Act 1993 requires the policy to be reviewed within five months after the end of each year. Council must give public notice of Council's intention to adopt or amend the policy allowing at least 28 days for the receipt of public submissions even if Council proposes to adopt a policy that is the same as the existing policy.

Within 28 days of adopting the policy, and no later than 30 November, Council must forward to the Division of Local Government a copy of the policy together with a copy of the public notice and each submission received and Council's response to each submission.

This report contributes to the Wollongong 2022 Objective *'our local Council has the trust of the community'* under the Community Goal *'we are a connected and engaged community'*.

It specifically addresses the Annual Plan 2013-14 Key Deliverable Report on the Corporate Governance Health Checklist to Council which forms part of the Five Year Action *'ensure policies and procedures are regularly reviewed, updated and promoted'* contained within the Delivery Program 2012-17.

## BACKGROUND

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

## OBJECTIVE

The objective of this policy is to ensure that there is accountability and transparency in the payment of expenses incurred or to be incurred by Councillors and that these expenses and the facilities provided to Councillors are acceptable to and meet the expectations of the local community.

## POLICY STATEMENT

This policy is to be read in conjunction with Council's Code of Conduct for Councillors, particularly those provisions relating to the use of resources, to ensure that Councillor expenses and facilities are not used inappropriately.

This policy is consistent with the goals and objectives outlined in the Community Strategic Plan and Council's core values.

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## STATEMENT OF PROCEDURES

### PART 1 – INTRODUCTION

#### Commencement

This policy commences on [\[date of adoption\]](#) and replaces the existing policy on the Payment of Expenses and Provision of Facilities to the Lord Mayor, Deputy Lord Mayor and Councillors last amended on 11 November 2013.

#### Purpose

- To ensure that there is accountability and transparency in the payment and/or reimbursement of expenses incurred or to be incurred by Councillors in carrying out their civic duties; and
- To ensure that the reimbursement of expenses and facilities provided to assist Councillors to carry out their civic duties are appropriate and reasonable.

#### Objectives

- To comply with legislative requirements.
- To ensure that Councillors are not financially or otherwise disadvantaged in undertaking their civic duties.

#### Availability of Policy

- Council will ensure that this policy is readily identifiable and available to the community via Council's website.

#### Reporting Requirements

##### Legislative

Clause 217 of the Local Government (General) Regulation 2005 requires Council to include detailed information in its Annual Report about the payment of expenses and facilities to Councillors.

An annual report is to include the following information:

- 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)
- 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:
  - 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),
  - Telephone calls made by Councillors, including calls made from mobile telephones provided by Council and from landline telephones and facsimile services installed in Councillors' homes,
  - The attendance of Councillors at conferences and seminars,
  - The training of Councillors and the provision of skill development for Councillors,
  - 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,
  - 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,
  - 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,

- 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.

Council's Annual Report must also incorporate a copy of this policy.

**Council**

A report on Councillor and General Manager expenses will be submitted to each Corporate Governance Committee meeting and an audit of Councillor and General Manager expenses will be included in the Internal Audit Plan and undertaken every two years.

**Legislative Provisions**

This policy has been prepared in accordance with the provisions of Sections 23A, 252, 253 and 254 of the Local Government Act 1993 and Clause 403 of the Local Government (General) Regulation 2005 which are detailed hereunder:

**Local Government Act 1993**

*Section 252 of the Act states:*

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

*Section 253 of the Act states:*

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

*Section 254* of the Act requires that a part of a Council or Committee meeting which considers the adopting or amending of this policy must not be closed to the public.

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

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

Clause 403 of the Regulation states that a policy under Section 252 of the Local Government Act 1993 must not include any provision enabling a Council:

- To pay any Councillor an allowance in the nature of a general expense allowance, or
- To make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.

#### **Other Government Policy Provisions**

This policy has also been prepared in consultation with the following documents:

- The Division of Local Government Guidelines for payment of expenses and provision of facilities for Mayors and Councillors which have been issued under Section 23A of the Local Government Act 1993.
- Council's *Code of Conduct* and, in particular, sections related to Use of Council Resources.
- ICAC publication – No Excuse for Misuse.

#### **Approval Arrangements**

- Application to be submitted:
  - Councillor attendance at conferences, seminars, meetings with external parties on official Council business, training and skills development sessions, community functions, dinners and other non-Council functions and the like will be considered following submission of a completed Councillor Request to Attend External Event Application prior to the expenses being incurred.
- Applications for attendance at the following will require report to and determination at an open meeting of Council:
  - Applications requiring overseas travel will be determined in open Council. The report to Council must detail the purpose of the trip, expected benefits, duration, itinerary, approximate costs and nomination/number of Councillors undertaking the trip. Overseas travel must be approved prior to the Councillor/s undertaking the trip.
  - Applications requiring air travel (within Australia) and/or accommodation for greater than one night will be determined in open Council. The report to Council must detail the purpose of the trip, expected benefits, duration, itinerary, approximate costs and nomination/number of Councillors undertaking the trip. The exception being where the Councillor is the appointed Councillor representative to an external committee or organisation and travelling within NSW or the ACT - see the approval process below.
- Applications for attendance at the following may be determined by the Lord Mayor (or where the Lord Mayor is the applicant, determined by the Deputy Lord Mayor and noted by the General Manager):
  - Applications relating to the Councillor representative to an external committee or organisation attending a meeting or function of that committee/organisation within the ACT or New South Wales.
  - Applications requiring single overnight accommodation within the ACT or New South Wales.
  - Attendance at Community Functions, Dinners and Other Non-Council Functions.
- Applications for attendance at the following must be authorised by the Lord Mayor and noted by the General Manager (or where the Lord Mayor is the applicant, determined by the Deputy Lord Mayor and noted by the General Manager):
  - All other Applications and where approval at a meeting of Council is not possible or appropriate.

- Retrospective reimbursement of overseas travel expenses is not allowed unless prior authorisation of the travel has been obtained.
- The use of a Mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with the principles of openness and transparency.

**Trim Reference**

The Trim container for this policy is GI-80.07.03.001.

**END OF PART ONE**

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## PART 2 – PAYMENT OF EXPENSES

### GENERAL PROVISIONS

#### Allowances and Expenses

- Council will reimburse reasonable incidental personal out of pocket expenses incurred by Councillors in attending Civic Functions, meetings relating to official Council business, seminars, conferences and training sessions.

Incidental expenses include telephone or facsimile calls, laundry and dry cleaning (associated with overnight travel), taxi fares, parking station fees and cost of meals not included in registration fees, but excludes tips, and such expenses shall not exceed:

- \$150.00 per day excluding meals or
- \$250.00 per day including meals, of which not more than \$150 shall be on meals.
- Other incidental expenses such as refreshments and parking meter fees, may be incurred and reimbursed without substantiation up to a value equivalent to the current Australian Taxation Office Taxation Determination on the reasonable travel and overtime meal allowance expense amounts for the current income year.

#### Payment in Advance

Councillors may request a payment in advance, up to a maximum of \$250 per day, in anticipation of expenses being incurred in attending conferences, seminars and training outside the City of Wollongong.

#### Reimbursement and Reconciliation of Expenses and Payments in Advance

Councillors are required to complete a Reimbursement of Expenses Form for any claims not included on the monthly Councillor Claim for Expenses Form.

Unless otherwise stated in this Policy, a claim for reimbursement of expenses and accounting for any payment in advance must be substantiated and lodged within 30 days of the costs being incurred.

#### Community and Charitable Functions

Council will provide a budget allocation in the Annual Budget for Councillor attendance at community and charitable functions.

Where a Councillor accepts an invitation to attend a community or charitable function in the role of a Councillor, Council shall meet all costs associated with such attendance, including entry ~~and hire of special attire~~ but excluding travel costs.

#### Dinners and Other Non-Council Functions

- 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.
- 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.

#### Spouse and Partner Expenses

Council will meet:

- Reasonable costs of spouses, partners or an accompanying person in attending official Council functions that are of a formal or ceremonial nature where the Councillor's spouse, partner or accompanying person would reasonably be expected to attend. Examples include, but are not limited to Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions and Charitable functions at the request of the Lord Mayor.
- Limited expenses associated with the attendance of the Councillor's spouse, partner or accompanying person at the Local Government NSW Annual Conference.

These expenses are limited to the cost of the spouse, partner or accompanying person's registration (including the official conference dinner and welcome reception) and official functions hosted by Wollongong City Council at the conference.

Travel expenses, any additional accommodation expenses and the cost of the spouse, partner or accompanying person's tours, etc. will be the responsibility of individual Councillors.

- Reasonable costs of the spouse, partner or accompanying person of the Lord Mayor (or a Councillor representing the Lord Mayor) where the spouse, partner or accompanying person would reasonably be expected to attend an official function of Council or accompany the Lord Mayor (or a Councillor representing the Lord Mayor) to carry out an official ceremonial duty within NSW or the ACT.

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.

NOTE: 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.

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.

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

In this section, reference to an "accompanying person" is a person who has a close personal relationship with the Councillor and/or provides carer support for the Councillor.

## **SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS**

### **Attendance at Conferences and Seminars**

Councillors will be required to submit a Councillor Request to Attend External Event application in respect of all other Conferences and Seminars for approval in accordance with this policy – refer to Approval Arrangements - with the exception of those Seminars and training courses included in Council's Induction Program.

In determining Council's delegates to the Local Government NSW Annual Conference the Lord Mayor and Deputy Lord Mayor are automatically granted delegate status.

### **Costs**

- Council will arrange for all bookings and reservations associated with Councillors' attendance at approved external events covered by this policy including those relating to travel, accommodation, official luncheons, dinners and tours/inspections considered relevant to the business and interest of Council.
- All other costs incurred by an individual Councillor except where otherwise stated in this policy, will be the responsibility of the individual Councillor.

### **Accommodation**

- Where possible, accommodation is to be booked at the conference venue unless the General Manager determines otherwise.
- In all other cases Council will ensure that reasonable and appropriate accommodation is provided to Councillors and in this regard a standard equivalent to 4 Star, where available, is considered appropriate.
- Preference will be given to accommodation venues providing Government Rates.

### **Mode of Travel**

- All reasonable travel costs for Councillors whilst on official Council business will be met by Council and will be in accordance with the following standards:

#### ***New South Wales and Canberra***

The method of transport will be by road except in circumstances where air travel is considered the most appropriate method.

#### ***Road travel***

- Councillors may request the use of a Council motor vehicle for official business use.
- Councillors are required to complete the Councillors Motor Vehicle Requisition and must comply with the general conditions of the Vehicle Management Policy. Where a number of Councillors are attending the same function, every attempt is to be made to share motor vehicles.

- A minimum of 48 hours' notice is required for access to a vehicle for overnight use and 7 days' notice for longer periods.
- Only where a Council vehicle is not available is a Councillor permitted to use their private vehicle for Council purposes. In such instances, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award with the total claim not exceeding the cost of return air travel, where available, plus transfer costs.
- A hire car may be utilised by Council in instances such as travel to and from Sydney airport when a number of Councillors are attending a Conference or where a Council vehicle is unavailable.

**Air travel:**

***Australia and New Zealand***

- Economy class, where air travel time is less than four (4) hours.
- Premium economy class, where air travel time exceeds four (4) hours. Where premium economy class is unavailable, business class is appropriate.

***Overseas***

- Air travel – premium economy, where available; if not available, business class.
- A Councillor seeking to extend travel for personal reasons whilst overseas on Council business must seek the approval of the Lord Mayor prior to making travel arrangements and must meet all additional costs associated with the extension.

***Travel Arrangements***

All Councillor travel arrangements will be centrally coordinated and booked by a Council officer with Council's approved travel provider or via the internet.

***Conference Reports***

After returning from Conferences [or overseas travel](#), a Councillor is to provide a written report to Council via the Information Folder on an assessment of the event including the benefit to Council and the community and the knowledge gained.

No such report is required in respect of the Local Government NSW Annual Conference.

Each quarter the General Manager shall inform Councillors via the Information Folder of the Conferences attended by Councillors and the expenses incurred.

**Local Travel Expenses – Official Council Business**

- **Private Vehicle** - If the Lord Mayor or a Councillor is required to use his/her private vehicle, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award. This allowance takes into account the use, maintenance and depreciation of the vehicle.
- **Public Transport** – Councillors travelling by taxi or other mean of public transport shall be reimbursed for actual expenses incurred subject to substantiation within 30 days of the costs being incurred.

Council will provide Councillors with access to the Wollongong Taxi Service for travel in the Wollongong area on Council related business with all costs charged to Council.

- Official Council Business includes, but is not limited to, attendance at the following:
  - all Council and Committee meetings including Council reference groups and Councillor briefing forums;
  - civic receptions;
  - meetings and inspections;
  - authorised conferences, seminars and training;
  - Independent Hearing and Assessment Panel [IHAP] and/or formal facilitation sessions;
  - meetings of external organisations where the Councillor is an elected Council delegate or alternate delegate;
  - where Councillor attendance is required as indicated on the Corporate Diary.

### Professional Development

- All Councillors are expected to attend any Post Election Seminars coordinated by the Division of Local Government.
- Councillors are expected to familiarise themselves with the Councillor Development Strategy which is a joint initiative of the Division of Local Government and the Local Government and Shires Associations of New South Wales.
- Councillors are encouraged to undertake relevant training and skills development as part of the Local Government Professional Development Program and other appropriate programs to assist them in carrying out their civic duties.
- Council will include in its annual budget a specific allocation for Councillors training and educational expenses. This budget will be increased to provide for additional training following a Council general election or introduction of new legislation.
- Councillors are required to complete the Councillor Request to Attend External Event application for approval in accordance with this Policy – refer Approval Arrangements.

### Care and Other Related Expenses

- Council will provide a child care service during Council and Committee meetings. The cost for the use of this service will be in accordance with Council's Annual Fees and Charges and will be deducted from the Councillor's next monthly fee payment.
- Council will reimburse Councillors the cost of child care expenses whilst attending the Local Government NSW Annual Conference during consideration of conference motions and conference dinner. All costs are subject to substantiation and will be reimbursed with the Councillor's next monthly fee payment. All other child care expenses incurred at the Conference are to be met by the relevant Councillor.
- Council will, subject to substantiation, reimburse Councillors for the carer expenses incurred for immediate family members in order to allow the Councillor to fulfil his/her Council business obligations up to a limit of \$2,000 per year. Examples are care of elderly, disabled or sick family members. Reimbursement does not apply where the care is provided by immediate family members including family, spouse or partner.

### Protection Expenses and Obligations

- Council may assist in providing protection to Councillors from any adverse security breaches to their person or property. Approval of the General Manager must be sought and gained prior to any expenses being incurred by Councillors.
- 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.
- Council will, subject to substantiation, reimburse Councillors for expenses that they may incur up to a limit of \$2,000 per year.
- Should an amount above the \$2,000 per year limit be required by any Councillor, the matter will be referred to Council for determination after taking advice from the General Manager, Independent Chair of the Corporate Governance Committee and/or the Professional Conduct Coordinator.

### Insurance Expenses and Obligations

Councillors are to receive the benefit of insurance coverage effected by Council for:

- (a) *Travel and Personal Accident for Councillors and Persons Travelling with Councillors on Council Business within Australia (outside of 100km from Wollongong) and Worldwide (subject to policy limitations)*
- Personal injury and capital benefits
  - Medical, evacuation and additional expenses (excluding medical expenses payable within Australia)
  - Evacuation cover (non-medical)
  - Baggage, travellers cheques, travel documents and credit cards, portable computers, display property and money
  - Loss of deposits and cancellation charges

- Hire car excess expenses
- Personal liability

(b) *Councillor's Liability*

Liability to a third party in the form of damages, compensation, interest and costs and defence costs arising from an error, mis-statement, misleading statement, omission, neglect or breach of duty, breach of trust or other act by a Councillor.

(c) *Public Liability*

Liability to a third party arising out of Councillors' exercise of their functions as Councillors subject to any limitations or conditions of the policy of insurance effected by Council.

(d) *Statutory Liability*

Liability for defence costs and any fine &/or penalty for a wrongful breach as defined:

Wrongful Breach means any alleged conduct (including any omission) whereby the Councillor allegedly contravenes an Act or is involved in the contravention of an Act or commits an offence pursuant to an Act and such alleged conduct is prohibited under an Act and is the subject of a penalty under the Act.

**Legal Expenses and Obligations**

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 any of the following:

- Council's Conduct Review Committee/Reviewer
- Independent Commission Against Corruption
- Office of the NSW Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- NSW Police Force
- Director of Public Prosecutions or
- Local Government Pecuniary Interest and Disciplinary 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 his or her functions as a Councillor;

provided the circumstances of the matter are reported to Council's relevant insurance provider who in turn consents to the legal services and costs.

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 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 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.
- (v) the Councillors' exercise of his or her function, was in the opinion of Council bona fide and/or proper; and as a Councillor.

- 2 Notwithstanding any other provisions of this Clause the following costs cannot be the subject of reimbursement:
- (i) the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances;
  - (ii) the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious
  - (iii) legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
  - (iv) legal costs of legal proceedings initiated by a Councillor;
  - (v) the costs of defending any matter relating to the eligibility of a Councillor to stand for election.

**END OF PART 2**

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## PART 3 – PROVISION OF FACILITIES

### GENERAL PROVISIONS

#### Provision of Facilities Generally

The facilities, equipment and services made available under this policy are considered appropriate to support the Lord Mayor and Councillors in undertaking their role as elected members of Council.

#### Private Use of Equipment and Facilities

Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other such loyalty schemes. 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 a compensatory payment.

### PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

#### Office

- A furnished Councillors room is provided on the tenth floor of the Administrative Centre for use by all Councillors.
- This office will incorporate two computers configured to Council's standard operating environment, printing facility, telephones and a refrigerator.

#### Mobile Telephony

- A Smart Phone with a minimum of 1000Mb data allowance will be available to Councillors for official use on request.
- Council will meet the cost of calls up to a maximum of \$300.00 (Plus GST) per quarter with any additional costs being borne by the individual Councillor and will be deducted from their next monthly Councillor fee payment.
- International roaming and message bank roaming will be activated when requested by a Councillor proposing overseas travel. However, where the travel is for vacation or personal business purposes all outgoing call costs incurred are to be reimbursed to Council by way of deduction from the next Councillor monthly fee payment.
- Each month Councillors will receive a copy of their monthly smart phone account and be required to complete an online mobile phone usage declaration, highlighting any personal calls charges to be reimbursed to Council by way of deduction from their next monthly Councillor fee payment. The declaration is to be completed each month.
- A Councillor may wish to use their private mobile phone in lieu of a Council provided smart phone and in such circumstances Council will meet the cost of Council business related calls only, up to a maximum of \$300 per quarter subject to submission of their monthly telephone account highlighting that expenditure has been incurred. The Councillor will be responsible for any mobile phone access plan.

#### Information Communication Technology

Council will provide Councillors with a Council specified standard Tablet PC package, printing facility and internet access.

- Councillors will be provided with appropriate induction in the use of the provided equipment.
- Internet access will be filtered by Council. A minimum of 3000Mb data allowance is included with all excess charges being reimbursed to Council by way of deduction from their next monthly Councillor fee payment.
- Usage of all Council provided technology requires compliance with Council's Technology Systems Acceptable Usage Policy. Councillors will be required to endorse a copy of the policy indicating that they have read the contents and agree to comply with the policy. Any alleged breach will be referred to the General Manager for appropriate action.
- Council will provide support services during business hours, being 8.30am to 5.30pm, to assist Councillors in resolving operational issues. Such support will only relate to Council related services and applications. Non Council related applications will not be installed.

- Councillors will be provided with consumables such as printer cartridges and paper for Council related purposes and will be available for collection at Council's Administrative Centre.
- Access to a Council supplied email address and Councillor Portal will be provided on the Tablet PC and the computers in the Councillors Room on the tenth floor of the Administrative Centre.

#### **Shredder**

A medium duty personal shredder up to a maximum capacity of 10 pages shall be provided to the Lord Mayor and Councillors on request.

#### **Newspaper**

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

#### **Stationery**

Lord Mayor and Councillor stationery, business cards, briefcase, diary and Christmas cards – Lord Mayor (up to 150 pa) and Councillors (up to 100 pa)

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

#### **Postage**

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 Administrative Centre. Mail is not permitted to be delivered directly to an individual Post Office.

#### **Meals**

Councillors will be provided with a meal and refreshments, excluding alcohol, prior to Council [meetings](#), Standing Committee meetings [and Councillor briefings](#).

#### **Refreshments**

Beverage service in the Councillors' Room, excluding alcohol.

#### **Use of Motor Vehicle**

- Councillors may request the use of a Council motor vehicle for official business use.
- Councillors are required to complete a Councillor Motor Vehicle Requisition and must comply with the general conditions of the Motor Vehicle Management Policy. Where a number of Councillors are attending the same function, every attempt is to be made to share motor vehicles.
- A minimum of 48 hours' notice is required for access to a vehicle for overnight use and 7 days' notice for longer periods.
- Only where a Council vehicle is not available is a Councillor permitted to use their private vehicle for Council purposes. In such instances, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award.
- Individual drivers are personally liable for all fines resulting from breaches of traffic laws and regulations and parking offences when using a Council provided vehicle and when using a private vehicle for Council related business.

#### **Parking**

Councillors will be provided with two Wollongong City Council stickers for affixing to their private vehicle to enable them to park in the Administrative Centre car park or the Stewart and Corrimal Street car parks free of charge when attending the City on Council business.

#### **Lockers**

A locker will be provided for each Councillor.

### **Insignia of Office**

Councillors will be provided with a jacket and name badge to be worn at civic functions indicating that the wearer holds the office of Deputy Lord Mayor and/or Councillor.

### **Secretarial Support**

Council staff will be available on the tenth floor of Council's Administrative Centre as required to provide Councillors with stenographic and administrative support.

### **Correspondence**

- Correspondence to individual residents or groups of residents should be directly related to issues concerning that resident or group of residents.
- Correspondence should not refer to the Lord Mayor or Councillor's political allegiance or non-allegiance to any political group, organisation or party. This relates to any hard copy and/or electronic correspondence sent as Council business.
- The Lord Mayor and Councillors should be mindful, particularly in the lead up to elections, that material should not directly or indirectly seek to promote the electoral prospects of any individual or group.
- The content of mass correspondence (more than 50) with residents, which utilise Council resources, facilities or funds, should be referred to the General Manager or Public Officer for perusal as to its compliance with the above policy, prior to distribution.

## **PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR LORD MAYOR**

### **Motor Vehicle**

- A fully serviced and maintained Holden Caprice or equivalent for official civic duties and incidental use or a credit through a Novated Lease to a similar value.
- Full private use is available in accordance with the private use provisions contained within Council's Vehicle Management Policy.
- Servicing ensures that the vehicle is serviced, cleaned and fuelled ready for daily use.
- 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.

### **Office**

- A furnished office suite located on the tenth floor of Council's Administrative Centre.
- This office will incorporate a computer configured to Council's standard operating environment where required/requested, telephones, refrigerator and meeting room.

### **Purchase Card**

A Purchase Card will be provided to meet hospitality expenses incurred by the Lord Mayor in discharging his functions on behalf of Council. Use of the Purchase Card is to be in accordance with Council's Purchase Card Policy.

### **Motor Vehicle Parking Space**

A permanent parking space in the basement of Council's Administrative Centre will be provided to the Lord Mayor and Deputy Lord Mayor.

### **Staff**

- An Executive Officer will provide executive support on a full time basis if required.
- A Personal Assistant will provide stenographic/clerical support on a full time basis.

### **Refreshments**

Food and beverage service associated with hosting meetings within the Administration Building, excluding alcohol

**Insignia of Office**

- 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.
- 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**

- Servicing and repairs to all Council provided equipment will be coordinated through Council's IT Help Desk facility during business hours, being 8.30 am to 5.30 pm, on the basis of a back-to-base service.
- 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.

**END OF PART 3**

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**PART 4 – OTHER MATTERS**

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

- All equipment provided to Councillors remains the property of Council except where Councillors are seeking to purchase equipment in accordance with this policy.
- Councillors are to return all Council owned equipment to the location nominated by the Manager Governance and Information in accordance with the following circumstances:
  - Local Government Election – by 5.00 pm on the day preceding the day of the election.
  - Resignation from Civic Office – by 5.00 pm on the day of resignation.
  - Extended Leave of Absence – where a Councillor has been granted leave of absence for a period of more than three (3) months.
- A Councillor will be provided with the opportunity to purchase Council owned equipment in accordance with the following:
  - Where a Councillor has been in office for at least one full term of Council.
  - Where a Councillor has indicated that he/she is not standing for re-election at the next Council election.
  - Where a Councillor has been unsuccessful in seeking re-election.
  - The sale price will be determined by the General Manager based on fair market value.
- The opportunity to purchase Council owned equipment will not be available to a Councillor who –
  - Is disqualified from holding civic office.
  - Is dismissed from civic office or
  - Ceases to hold civic office for any other reason.

**B Status of the Policy**

Council may amend this Policy from time to time in accordance with the provisions of Sections 252 and 253 of the Local Government Act. However Council must adopt such a Policy within 5 months after the end of each year as required by Section 252.

For the purposes of this Policy a 'year' is defined as being a financial year.

**C Dispute Resolution**

Where an individual Councillor disputes the decision on an expenses claim or the provision of facilities the following process will apply:

- The Councillor must notify the General Manager, in writing, of the details of the claim or request for facilities.
- The General Manager will investigate the issue and inform the Councillor of the decision, in writing, within seven (7) days of the request being received.
- Should the Councillor not accept the General Manager's decision, the General Manager will submit a report to Council outlining the reasons for denying the claim or request.
- Council's decision will be final and no further appeal will be permitted.

SUMMARY SHEET

Responsible Division	Governance and Information
Date adopted by Council	<a href="#">[Date of adoption by Council]</a>
Date of previous adoptions	<b>11 November 2013</b> <b>8 April 2013</b> <b>12 November 2012</b> <b>28 November 2011</b> <b>26 July 2011</b> <b>19 November 2007</b> <b>17 October 1994</b>
Date of next review	30 September 2014
Prepared by	Corporate Support Services Manager
Authorised by	Manager Governance and Information

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