



Bayside Council

Serving Our Community

Expenses & Facilities Policy

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Expenses & Facilities Policy

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Policy Summary

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.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

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

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

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

PART 1 INTRODUCTION

1 TITLE - COMMENCEMENT OF THE POLICY

This Policy will be referred to as the Expenses and Facilities Policy for the Mayor and Councillors; long title is Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, and Councillors. This policy takes effect from the date of adoption until further amended.

2 DEFINITIONS

For the purpose of this policy the term “**Councillors**” also refers to the **Mayor** and **Deputy Mayor** unless otherwise stated.

Accompanying person means a spouse, partner or de facto or other person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Appropriate refreshments means food and beverages, excluding alcohol, provided by council to support councilors undertaking official business.

Act means the Local Government act 1993 (NSW)

Clause means unless stated otherwise, a reference to a clause is a reference to a clause in this policy

Code of Conduct means the Code of Conduct adopted by Council or the Model Code if none is adopted

Councillor means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor

General Manager means the general manager of Council and includes their delegate or authorised representative

Incidental personal use means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct

Long distance intrastate travel means travel to other parts of NSW of more than three hours duration by private vehicle

Maximum limit means the maximum limit for an expense or facility provided in the text.

NSW means New South Wales

Official Business means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes:

- meetings of council and committees of the whole
- meetings of committees facilitated by council
- civic receptions hosted or sponsored by council
- meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council.

Professional Development means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor

Year means the financial year, that is the 12 month period commencing on 1 July each year

Administrator/s of Council in circumstances where an Administrator has been appointed this Policy also applies.

Councillor Expenses and Facilities Policy: policy prepared on the payment of expenses and the provision of facilities to Mayor and Councillors.

Expenses: Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses to be reimbursed must be outlined in Council's policy and may be either reimbursed to a Councillor or paid directly by Council for something that is deemed to be a necessary expense to enable the Councillor to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities: Equipment and services that are provided by the Council to Councillors to assist or enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

Functions of civic office/civic functions: Functions that Councillors undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area.

Legal Expenses means any fee or fees charged for legal representation or legal advice.

Regulation: The Local Government (General) Regulation 2005 (NSW).

3 PURPOSE OF THE POLICY

To ensure that there is accountability and transparency in the reimbursement of actual expenses incurred by Councillors. This policy also ensures that the facilities provided to assist Councillors to carry out their civic functions are reasonable.

To reimburse Councillors for expenses reasonably incurred in the performance of their role as a Councillor, including expenses incurred in becoming adequately informed on subjects relevant to their civic functions.

Further that the details and range of expenses paid and facilities provided to Councillors by the Council are clearly and specifically stated, fully transparent and acceptable to the local community.

4 OBJECTIVES AND COVERAGE OF THE POLICY

The objectives of this policy are:

- To ensure that the Mayor, as the first citizen of the Bayside Council area, as the leader of the governing body of the Council and as the principal spokesperson on Council policy and attitude is reimbursed for expenses reasonably incurred in performing the role of Mayor, and is provided with a standard and range of facilities appropriate to the importance of the office.
- To ensure that the Councillors of Bayside in their dual roles as members of the governing body of the Council and as elected persons are reimbursed for expenses reasonably incurred in the performance of their role and are provided with a standard and range of facilities to assist in discharging the functions of civic office.
- To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their responsibilities as a member of the governing body of the Council or as an elected person.

5 OBLIGATIONS OF COUNCILLORS

A Councillor must:

- Use Council resources effectively and economically in the course of his or her discharging the functions of civic office and must not use them for private purposes unless the use is authorised by this policy and proper payment is made.
- Not convert to his or her use any property of Council.

- Carry out the functions of civic office by attending a variety of functions in their capacity as a representative of Council.

Note: Breaches of this clause would be viewed as a breach of the Code of Conduct.

6 REPORTING REQUIREMENTS

Section 428 of the Act and clause 217 of the Regulation require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy. These are detailed in section 20 of this Policy.

The General Manager must include in Council's annual report such information on expenses as required by the Regulation but also itemised by individual Councillor and Mayor.

7 LEGISLATIVE PROVISIONS

This policy is made under the Act including Sections 252 to 254A, together with clause 403 of the Regulation. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor and other Councillors.

Note: This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248-251 of the Act. These fees are separately determined each year based on the determination of the Local Government Remuneration Tribunal.

8 OTHER GOVERNMENT POLICY PROVISIONS

In addition to the Act and Regulation a number of documents have also been considered during the development of this Policy including:

- Division of Local Government (Department of Premier and Cabinet) Guidelines for payment of expenses and provision of facilities
- Model Code of Conduct
- Office of Local Government Circulars to Councils
- ICAC publications

Further details in relation to these documents are contained in section 21 of this Policy.

9 APPROVAL ARRANGEMENTS

Attendance at seminars, conferences, training, education and including other activities by Councillors for Council business and the like is to be, where possible, approved by a full meeting of the Council. If this is impracticable then the approval is to be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of a Council meeting it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

All other matters not specifically covered by this policy in relation to civic office expenses or facilities are to be dealt with by the Mayor and General Manager.

Total costs for the payment of expenses and the provision of facilities to the Mayor and Councillors are to be within the limits of the provision of this Policy and

Council's annual budget, with expenditure against budget allocation to be reviewed quarterly in accordance with Council's normal quarterly budget review process.

PART 2 PAYMENT OF EXPENSES

10 GENERAL PROVISIONS

10.1 Payment of Expenses

Where there is a right under this Policy to claim reimbursement of costs and expenses, reimbursement will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms, attached to this policy (see Appendix A).

Unless extraordinary circumstances are determined by the Mayor and General Manager, Councillors must seek reimbursement of expenses within one (1) month of incurring that expense. This allows the Council to report on actual expenses monthly internally and within its quarterly reporting processes.

Any payments in advance in anticipation of expenses to be incurred in attending conferences, seminars, training and approved functions/events away from the local government area are to be reconciled and submitted to Executive Services within one (1) month of the conclusion of the conference, seminar, training, and approved event/function. Subsequent advances will not be made until previous reconciliations are submitted.

Where a service is partly used for official Council business, Councillors must claim only that part directly related to their civic duties as a Councillor. Individual Councillors must therefore make a reasonable estimate as to their private and civic duties usage (in percentage terms) for such accounts. In accordance with the Office of Local Government (OLG) Guidelines, incidental private use is allowed. Council allows 5% for private use for mobile phones, landlines, internet, stationery and minor equipment. Any private usage above the 5% threshold must be paid for by the Councillor.¹

This policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties. Council will not pay a general expense allowance. It is not appropriate or lawful to pay a general allowance unrelated to actual expenses incurred or designed to supplement Councillors' annual fees payable under the Local Government Act 1993. Only those expenses included in this policy are to be paid or reimbursed.

Decisions on approval or refusal of claims for expenses for Councillors will be made by the General Manager or his/her nominee.

¹ DLG Circular No. 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Guidelines Private Benefit Page 5

Value of Expenses^{2 3}

Notwithstanding any other specific references in this Policy to individual values for expenses, the maximum total expenses that are claimable by Councillors will be as follows:

Total Reimbursement for Value of Expenses each 12 month period from 9 September to 8 September (Amounts below include GST)	
Position	Amount
Mayor	\$15,000
Deputy Mayor	\$12,000
Councillor	\$11,000

10.2 Annual Fees

Annual fees are payable to the Mayor and Councillors in accordance with the determination of the Local Government Remuneration Tribunal.

Councillors appointed as council representatives on the Sydney Eastern City Planning Panel (established by the NSW Government as one of the Joint Regional Planning Panels) are paid a \$600 meeting attendance fee.

Councillors appointed as council representatives on the Sydney Eastern City Planning Panel receive an allowance of \$100 per hour, minimum one hour up to a maximum of \$600 for attending briefings of the Regional Planning Panel. The allowance includes travel and briefings on multiple applications.

10.3 Spouse, Partner and Accompanying Persons Expenses

Council will meet the reasonable costs of spouses, partners and accompanying persons when they accompany the Mayor or Councillors in the following circumstances:

- Attendance at formal and ceremonial events/functions within the Local Government area. This includes but is not limited to Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions and charitable functions for charities formally supported by the Council.
- Attendance at the LGNSW Annual Conference with costs limited to conference registration and official conference dinner.
- Attendance by the Mayor or a Councillor representing the Mayor at an official Council function or official ceremonial duty outside the city but within the state. Interstate and overseas events are expressly excluded.

The above reasonable costs are limited to the ticket, meal and/or direct costs of attending the function and specifically exclude grooming, special clothing and transport costs. Furthermore the policy does not include attendance at seminars, conferences and the like.

² DLG Circular No. 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Limits Page 6 Reasonable Expenses Page 8 Monetary Limits to Expenses Page 6

³ Code of Conduct (Part 7) Use of Resources – Page 16-17

Any additional accommodation and/or other costs incurred as a result of the attendance of spouse, partners, accompanying persons and/or children shall be borne by the Councillor.

Note: An accompanying person in this policy is defined as a person who has a close personal relationship with the Councillor and/or provides care support to the Councillor.

11 SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

11.1 Attendance at seminars, conferences, training, education and including Council business.

Councillors, with the approval of Council or with the written approval of the Mayor and the General Manager are able to attend conferences, seminars, education and training courses etc subject to the following:

- The conference, seminar etc relates to Local Government, its responsibilities and the functions of civic office;
- It is held within Australia; and
- All relevant costs are within the available budget.

Councillors attending conferences, seminars, courses etc will have the following expenses paid, where applicable, provided Council has resolved that the Councillor attend the conference seminar etc or written approval has been provided by the Mayor and the General Manager:

- Registration fees, official luncheons, dinners and tours relevant to the conference, seminar, courses, etc and meetings.
- Accommodation in the hotel where the conference is being held, or the nearest hotel of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area as defined under the Regional Development Regulation 2012 – Reg 4 or as superseded. The period of accommodation is to not be longer than the night before the official opening of a conference, seminar etc and the night of the last day of the conference, seminar.
- Reasonable costs (including sustenance, telephone, fax and Internet charges, laundry and dry cleaning charges, newspapers, taxi fares and parking fees). Receipts must be supplied to substantiate reimbursement.
- Reasonable childcare expenses of the Councillor incurred where the Councillor is the nominated Primary Care Giver of any child that may be required to accompany the Councillor to the conference during official conference sessions including conference luncheons and dinners.
- Accommodation cost reimbursement for Council business not covered within this policy will be determined by the Mayor and General Manager.

Council will make all necessary arrangements for Councillors attending conferences, seminars, courses etc. The procedures will be as follows:

- Council will, where possible, book accommodation in advance and pay expenses directly to the hotel/host organisation.

- Councillors finding they need to pay reasonable expenses incurred in connection with their attendance but not prepaid by Council will submit a claim for reimbursement to the General Manager, as provided in Clause 10.1 of this policy.
- Once all expenses have been finalised, accounts will be forwarded to Councillors for any expenses payable by them, in accordance with Council's normal terms ie 30 days. Any arrangements to finalise an account by periodic payment must be approved by the Mayor and the General Manager. Accounts, with prior approval, will be settled via a deduction from the Councillor's monthly allowance.

All Councillors will, as soon as possible or otherwise within one month after attending a conference/seminar (excluding the LGNSW Annual Conference and Education and Training Courses), provide the Council with a written report on the aspects of the conference/seminar relevant to the Council business. Alternatively copies of papers presented, decisions taken etc in either an electronic or paper form are to be provided to the General Manager who will advise Councillors of their existence and provide copies to interested Councillors.

Councillors attending approved education and training courses that are directly associated with their civic duties, must provide a written request to the General Manager stating what the course covers and what the benefits are to both Council and the community. Each Councillor will be eligible to attend Council approved education and training courses up to an individual value of \$5,000 per annum.

Council is committed to supporting Councillors attending learning and professional development activities related to Council functions and their role as a Councillor.

The Councillors Professional Development Policy addresses the training needs of Councillors. The cost of attending training will be accounted in the Value of Expenses provided annually to Councillors. As part of this Policy and annual Professional Development Plan, Council will arrange for internal seminars and guest speakers to address Councillors on relevant topics (e.g. changes to legislation, best practice initiatives).

11.2 Non Attendance at Conferences, Seminars and Functions

Where costs are paid by Council for Mayor/Councillor attendance at an approved conference, seminar, function or the like, and the Councillor does not attend and has not provided opportunity for Council to seek a refund of the costs incurred or substitute another Councillor to attend; the Mayor/Councillor shall be personally liable to repay all amounts paid (and not refunded) to Council. In this case, the costs incurred (net of any refund) by the Council will be charged to that Mayor/Councillor.

Where the Mayor/Councillor believes there are extenuating circumstances (eg family or medical emergency) for non-attendance the Mayor/Councillor may apply to the General Manager to have such repayment waived.

11.3 Attendance at dinners and other non-Council functions representing Council

Council will meet the cost of Councillors attendance at dinners and other functions where the Councillor is representing Council or the Mayor as well as non-Council functions that provide briefings to Councillors from key members of the community, politicians and business.

Approval to meet the cost of attending will only be given when the function is relevant to the Council's interest. Reimbursement will be up to a maximum of \$150 per function per Councillor.

Approval will not be provided for a Councillor to attend any political fundraising event, for any donation to a political party or candidate's electoral fund or for some other private benefit. Enquires should be made whether any expenses to be incurred would be directed towards such events and activities prior to approval being granted.

11.4 Local travel arrangements and expenses

As a general principle, Councillors should undertake their travel by utilising the most direct route and the most practicable and economical mode of transport including public transport. Councillors are also encouraged to walk or use a bicycle where appropriate for Council related business.

11.4.1 Public Transport

Council will meet the cost of reasonable public transport expenses for travel relating to council business eg activities described in clause 11.1, 11.2 and 11.3.4.

11.4.2 Private Motor Vehicle Use

Councillors may claim the per kilometre allowance prescribed under Clause 10 of the Local Government (State) Award. The claim is to be submitted no later than 1 month after the costs were incurred and the claim include full details of the nature of the Council business, the date and time and the amount claimed. Councillors are responsible for any fines for parking and traffic infringements.

11.4.3 Bicycle

Councillors may claim incidental costs for the use of a bicycle to attend Council related business.

11.4.4 Taxi Cab or for documented ride-share programs

A **Taxi** cab card will be provided and is available to an annual value of \$1000, in the following circumstances:-

- Attendance by Councillors at meetings of community groups whose activities encompass all or part of the local government area and where the venue of such meeting may be either inside or outside the area.
- Attendance at social functions or meetings as a representative of the Mayor or Council when requested to do so by the Mayor.
- Attendance at social functions or meetings where the invitation or opportunity to attend the functions or meetings would not, in the normal course of events have been extended to the Councillor(s) concerned had it not been for their position as a Councillor within Council.

- Inspection of works or properties in the city as a result of a request from the resident.
- Travel as a result of Councillors attendance at a Council, Committee, Reference Group, Task Group, External Committee or Working Party meeting or where 3 or more Councillors are meeting on Council business. Attendance at approved Conferences, Seminars, Training Sessions and Courses. Taxi cab cards can be used in relation to the above events/activities for travel between:
 - place of residence and airport, airport and approved accommodation;
 - approved accommodation and site of conference or official visit;
 - within approved locations outside of the Council area.

Note: Councillors are required to submit Taxi cab dockets containing a note as to the Council business/function attended that was covered by the journey and the pick-up point and destination for reconciliation with the monthly account from the service supplier.

Documented ride-share programs, such as Uber, can be utilised for the same circumstances and conditions as for Taxi Cab as listed above but also require the submission of a tax invoice with each claim. Each claim is to be submitted to the General Manager within one (1) month of costs being incurred as outlined in Appendix A of this Policy, Reimbursement of Expenses.

The annual value includes claims for documented ride-share programs.

11.4.5 Parking Fees and Tolls

Councillors will be reimbursed reasonable parking fees and road tolls incurred while on business expressly authorised by this policy. Fees payable will be up to \$75 per event. In all instances, Councillors are encouraged to find the lowest cost parking and toll option.

11.5 Travel outside the LGA including Interstate travel

11.5.1 Travel within Australia

Councillors who travel within Australia as approved under this policy have the following entitlements in relation to transportation:

- An economy class air ticket (or business class if medical reasons prevail). With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements will be with the approval of the Mayor and the General Manager.
- Use of a personal vehicle (provided the vehicle has current and unlimited third party risk insurance covering damage by the vehicle to property). Councillors may claim the per kilometre allowance prescribed under Clause 10 of the Local Government (State) Award for the shortest practical route. The claim is to be submitted no later than 1 month after the costs are incurred and the claim includes full details of the nature of the Council business, the date and time and the amount claimed.
- Travel using a Council owned vehicle – A Councillor may use a Council-owned vehicle (if one is available) to facilitate the Councillors travelling requirements under this Policy by the shortest practical route and meeting the following;

- Provide a copy of a current and valid driver's licence to the Manager Executive Services indicating that they are licenced to drive a motor vehicle.
- May claim actual costs, if a fuel card does not meet the full costs involved, and a claim is submitted to the General Manager within one (1) month of costs being incurred in the terms referred to in this policy.
- Use of Hire car – A Councillor may use a hire car to facilitate travel requirements provided approval by the General Manager has been given prior to the hire of the vehicle.

11.5.2 Overseas Travel

- Any overseas travel by a councillor is at the expense of the individual councillor.

11.5.3 General

Council's policy is as follows:

- accommodation expenses incurred for conference, seminars and/or other travel/delegation etc. will be paid for by Council, including for the night prior to the Official Opening of the conference or delegation, depending upon travel schedules, as expressly authorised by Council prior to such travel being incurred. In accordance with the Australian Fringe Benefits Tax Guidelines, these accommodation expenses need to be substantiated in writing and a travel record kept where the travel involves more than 6 nights away (or as required by legislation from time to time) from the Councillor's ordinary place of residence;
- all travel vouchers and/or tickets will be returned to Council at the completion of each journey; the cost of daily meals and any incidental expenses actually incurred by the authorised attendee of Council to conferences and/or delegations. Amounts will be reimbursed on provision of documentary evidence and a claim form and to the daily limit having regard to the amounts set in the Australian Taxation Office TD 2016/13 for 2016/17 or such determinations or policies of the Australian Tax Office that supersede it. In this regard for domestic travel the limits are set per Table 3 of paragraph 11 of that ruling. Provided also that such expenses incurred are subject to the period of stay not exceeding the period for the conference or authorised business plus one day each way for travelling;
- airfares will be at economy class standard, or business class if medical reasons prevail.

After returning from overseas Councillors or an accompanying member of staff are to provide a detailed written report within one month to Council on the aspects of the trip relevant to Council business and/or the local community.

No travel is to be sponsored by private enterprise.

Note: Administrative arrangements may be made for Council to initially fund travel and accommodation costs of Councillors associated with the Sister City Program, with such costs being fully reimbursed by Councillors from their monthly fee payments over a maximum 12 month period.

11.6 Carers Expenses (Childcare, the care of the elderly, disabled and/or sick immediate family member)

Councillors will be reimbursed for reasonable expenses incurred for carer's expenses due to the need to attend Council Meetings, Committee Meetings or other official Council business providing the Councillor is the Primary Care Giver or a Legal Guardian irrespective of whether more than one Councillor on Council is responsible for the care of an immediate family member. Councillors are to provide evidence of attendance at such events.

Councillors will be reimbursed for expenses paid to commercial providers other than spouse or partner up to one (1) hour before and up to one (1) hour after the civic duties mentioned above, to a maximum of \$150 per day, per person requiring care except for childcare expenses. In respect of childcare expenses the maximum limit that may be reimbursed is \$150 per family per day for accredited persons/organisations or a maximum of 50% of the daily allowance for non-accredited persons. A tax invoice is to be submitted with the claim. Childcare limits do not apply in cases of the LGNSW Annual Conference (see section 11.1).

11.7 Disability and Access Needs

Council will give consideration to the payment of reasonable expenses associated with the special requirements of Councillors with respect to disability and access needs to allow them to perform their normal civic duties.

11.8 Insurance and Legal Assistance

11.8.1 Insurance

Councillors are covered under the following insurance policies (subject to any limitations or conditions set out in those policies) while discharging the duties of civic functions, including attendance at meetings of external bodies as Council's representative:

- **Personal Injury** For claims arising out of or in connection with a Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor.
- **Professional Indemnity** For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under Section 731 of the Local Government Act, but subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.
- **Public Liability** For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carried out in good faith but subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

11.8.2 Legal Assistance

11.8.2.1 The Council may indemnify or reimburse a Councillor's reasonable legal costs including defending legal proceedings being taken against a

Councillor arising from the discharging in good faith the Councillors functions of civic office under the Local Government Act (section 731 refers) or defending where such proceedings are an action in defamation, provided that the outcome of the legal proceedings is not substantially unfavourable to the Councillor.

Provided that:

- the amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the average hourly rate then being charged by partners at the firm(s) appointed by Council as it's solicitors will be paid, and any portion of the expenses exceeding that hourly rate will not be reimbursed; and
- 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 as a result of the proceedings which caused the legal expenses to be incurred; and
- the legal expenses were incurred:
 1. as a result of an inquiry, investigation or hearing, into a Councillor's conduct by an appropriate investigative or review body including but not limited to:
 - Local Government Pecuniary Interest and Disciplinary Tribunal
 - conduct reviewer or conduct review panel
 - Independent Commission Against Corruption
 - Office of the Ombudsman
 - Division of Local Government, Department of Premier and Cabinet
 - Federal or State Police Force
 - Director of Public Prosecutions
 - Councils Conduct Review Committee/ Reviewer
 - A Court
 2. as a result of legal proceedings taken against the Councillor in relation to his or her discharging in good faith the functions of civic office; or
 3. as a result of an appeal commenced by the Councillor against the outcome of any originating inquiry, investigation, hearing or proceeding relating to the discharge of the functions of civic office but only if the appeal is successful;
- the expenses can only be reimbursed after the conclusion of the inquiry, investigation, hearing or proceeding.

Note: This may include circumstances in which a matter does not proceed to a finding. Also in addition to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

11.8.2.2 Council will not meet:

- the legal costs of legal proceedings initiated by the Mayor and/or Councillors under any circumstance,⁴
- expenses incurred in any defamation proceedings instituted by the Councillor, even if they relate to activities undertaken by the Councillor in relation to discharging the function of civic office;
- expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain;
- any expenses incurred by a Councillor in discharging the functions of civic office not in good faith.

11.8.2.3 It should be noted that the legal expenses must be incurred in relation to discharging the functions of civic office and not all activities by a Councillor undertaken as a Councillor as such.

11.8.2.4 Notwithstanding the above, the General Manager is delegated to obtain legal advice relating to this Policy and any associated matters concerning to a pecuniary interest, conflict of interests or matter governed by the Code of Conduct which in the opinion of the General Manager is necessary to clarify the particular Councillor's responsibilities in the performance of his/her functions of civic office.

11.8.2.5 Any resolution by Council to provide indemnity and reimbursement needs to be subject to the provisions of this Policy and specifically clause 11.7.2.1.

11.8.2.6 A Councillor seeking reimbursement of any legal costs must follow the claims process outlined in Appendix B to this Policy.

PART 3 PROVISION OF FACILITIES

12 PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS

Given the increasing ownership or access by individuals to electronic communication devices such as PCs, laptops/tablets, internet, and mobile phone devices it is recognised that Councillors may not wish to duplicate such services by the provision of separate communications devices. Accordingly in such circumstances Council's preference is that Councillors use their own equipment/services and seek reimbursement of usage for civic office purposes from Council eg for voice and data costs.

Council takes a flexible approach towards continuously reviewing innovations to obtain the benefits from such technological advances that improve service and reliability.

⁴ DLG Circular No. 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Legal Assistance Provisions and Expenses Page 17-18

Equipment, facilities and services provided under this policy, if any, shall not be used to produce election material or for political purposes. Council's Code of Conduct and Electronic Communications Policy also govern the use of such equipment. Councillors will be required to sign an Electronic Equipment Acknowledgement Statement (as per Appendix C or similar) to that effect.

12.1 Telephone costs and expenses

Councillors should use their private electronic communications services and related equipment (including mobile, landline and fax) for Council related business and claim reimbursement up to a monthly maximum of \$125 (including voice, fax, landline and data) from Council. Councillors using their private electronic communication devices are required to present copies of monthly accounts and indicate the costs attributable to Council business.

In the event that Councillors use a Council provided mobile phone service and equipment (under a capped agreement up to \$125 per month), costs in excess of capped agreement will be repaid by the Councillor. The mobile phone and any other equipment will remain the property of Council subject to the acquisition provisions under this Policy.

All mobile phone/landline/faxlines numbers the subject of reimbursement of costs or mobile phone numbers provided by Council will be automatically published as contact number(s) of the relevant Councillor.

Councillors must abide by all Federal, State and Local laws and regulations when using a Council mobile phone including those that apply to the use of mobile phones while in motor vehicles.

12.2 Tablet

Councillors will be provided with a tablet based on Council's current standards, to enable Internet access, emailing access to Council business papers, minutes, policies and other Council records. This will include the provision of relevant "apps" as considered relevant from time to time by Council to enable Councillors to undertake their civic duties. A data package will be provided to a maximum of \$60 per month.

12.3 Personal Equipment and Internet Access

All Councillors will be provided with a Council email address and extranet service (or Councillor Webpage).

Councillors should use their own internet service and related equipment eg PC, Laptop and/or printer for Council business and claim reimbursement from Council. The limits are:

- For internet access up to a monthly maximum of \$79. This service may be part an overall voice/data service. Councillors using their internet service are required to present copies of monthly account and indicate the costs attributable to Council business.
- For Multi functional device, printer or similar paper supplies to a limit of \$250 per annum (as per section 12.7) and other consumables ie toner to a limit of \$250 per annum.

In the event that Councillors prefer Council to provide equipment then they may select:

- 1 Multi functional device, printer or similar to Council's standard and the provision of paper suppliers to a limit of \$250 per annum (as per section 12.7) and other consumables ie toner to a limit of \$250 per annum.
- 1 Council Standard Laptop
 - All equipment will be provided with the latest system configuration requirements and be subject to regular reviews to keep pace with future technological advancements and the latest operating software.
 - No unauthorised or unlicensed software is to be installed on the computer provided by Council and Councillors are required to comply with Councillor Use of Email and the Internet at all times, when using Council's computers. Council has the right to block the downloading of software should the need arise.
 - Wireless Internet access via USB dongle or related means up to a maximum of \$79 per month.

12.4 Other Equipment

Councillors may also select from within the following list the appropriate type of equipment/support required to perform their duties:

- **Shredder** - Provided with a paper shredder on request.
- **Filing Cabinet** - Be provided with a filing cabinet on request.
- **Computer software training** - Be provided with computer training where necessary to undertake the functions of civic office. The cost of training course fees and software will be met from the annual Councillor Value of Expenses outlined in this policy.

12.5 Public Facilities

Councillors will be provided with the following facilities, which remain the property of Council and must be returned to Council within 14 days of Councillors ceasing to hold office:-

- A security card and automatic gate "buzzer" to enable access from outside of the building to the Councillors' Room, in the case of the Mayor, access to the Mayor's Office. Access will be denied immediately from ceasing to hold Office.
- Above Rooms suitably furnished and equipped with telephone, computer facilities and photocopier to enable meetings with constituents.
- A bar fridge within the Councillors' Room, which will be maintained and stocked by Council, for Councillors' official use.

12.6 Postage Arrangements

Official Councillor correspondence is to be directed through Council's own mail system. Where that is impractical Councillors are entitled to claim a monthly maximum reimbursement subject to substantiation equivalent to the cost of 50 standard letters.

12.7 Stationery, Office Supplies and Support

Councillors have access to the following support in performance of their role as elected members of Council:

- Standard office supplies (pens, rulers, staples, paper etc).
- 500 Business Cards (replacement on request) up to a maximum of **\$150** per annum. To include Councillor's contact details as authorised and a colour photograph. Up to 100 personalised Christmas Cards, if required and corporate presentation gifts (tie, scarf, etc). Additional generic Christmas Cards are to be purchased by the Councillor at the unit cost to Council.
- Personalised Councillor professional eletterhead with colour photograph and their contact details will be provided as well as paper supplies up to a value of \$250 per annum.
- Councillor eletterhead provided to Councillors and Councillor emails using Council email address will carry the following disclaimer:
"The statements made in this correspondence [email] are the views of the individual Councillor and do not necessarily reflect the views or the position of the Council or Management of Bayside Council".
- A suitable name badge.
- Tea, coffee and refreshments when carrying out civic duties in the Council premises during office hours.
- Suitable meal and refreshments at Council/Committee/Task Group/etc meetings. The standard of the meal will be determined by the Mayor in consultation with the General Manager.
- Corporate gifts for use on a Council related business trip or when receiving visitors. These will be of token value and managed in accordance with a policy on Gifts.
- Dedicated executive services in typing of Councillor correspondence and all other needs.
- A briefcase to the value of \$200 will be provided to each Councillor on request.
- Professional advice and assistance from Council officers in preparing media material (other than election campaign material) relevant to the function of civic office and in each case subject to the approval of the Mayor and General Manager.

- A Recognition of Service plaque will be provided to each Councillor when they cease to hold office.

13 PROVISION OF ADDITIONAL EXPENSES AND FACILITIES FOR MAYOR

In addition to the previously detailed support in this Clause the Mayor and Deputy Mayor (when acting in the position of the Mayor) will be provided with:

- Mayoral vehicle of prestige class (of a similar standard as that provided to the General Manager under State Government purchasing requirements) at the discretion of the Mayor of the day, fully maintained and complete with hands free access for a mobile phone and for use by the Mayor at all times;
- The cost of telephone calls made from the Mayor's mobile telephone, in relation to mayoral duties, up to a limit of \$150 per month having regard to the need for additional contact with the community in undertaking mayoral functions and civic duties;
- An allotted secure parking space;
- A petrol card for the Mayoral vehicle;
- Mayoral Chain of Office for official/civic/ceremonial use;
- A Mayoral office, suitably furnished and equipped;
- A refreshment cabinet located in the Mayoral office, which will be maintained and stocked by Council for official use (meetings/receptions) by the Mayor, and by the Deputy Mayor when acting in the position of Mayor.
- A suitably qualified and experienced executive assistant;
- Standard Mayoral letterhead for official correspondence;
- Handling of all Mayoral correspondence written in the course of Mayoral duties, including posting of mail and follow up correspondence.
- Tea, coffee, meals and refreshments when carrying out meetings in the course of official duties in the Council Chambers or Administration Centre.

14 PRIVATE USE OF COUNCIL EQUIPMENT AND FACILITIES

Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any such loyalty schemes. (Note any benefits from travel or loyalty schemes would be considered a breach of Council's Code of Conduct.) 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.

Where a Mayor or councillor's private use is more than incidental (5%), the councillor shall compensate Council for the private use within 30 days of request. Council is entitled to deduct from the councillor's fees any amounts outstanding after 30 days from request.

Councillors must report the theft of any equipment issued immediately to the Police and to the General Manager or Manager Executive Services.

PART 4 OTHER MATTERS

15 DISPUTES

- 15.1 If a Councillor's Expenses Claim is refused for not being in accordance with this Policy:
- The Councillor will be advised by the Manager Executive Services via email.
 - Councillor states his/her case to the Manager Executive Services in writing if he/she disputes the determination.
 - Manager Executive Services will advise the Councillor of his/her decision in writing.
 - If Councillor disputes the determination made by Manager Executive Service, the Councillor should discuss the matter with the General Manager.
- 15.2 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 15.3 If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.
- 15.4 If the matter is determined by Council; Council's Resolution is final and binding.

16 RETURN OR RETENTION OF FACILITIES

- 16.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.
- 16.2 Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.
- 16.3 The prices for all equipment purchased by councillors under Clause 11.2 will be recorded in Council's annual report.

17 PUBLICATION

- 17.1 This policy will be published on council's website.

18 REPORTING

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

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

19 AUDITING

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

20 BREACHES

- 20.1 Suspected breaches of this policy are to be reported to the general manager. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

21 STATUS OF THE POLICY

This Policy, once adopted, is to remain in force until it is reviewed by the Council in accordance with the provisions of Sections 253 and 254 of the Local Government Act 1993.

This Policy will be reviewed in accordance with the provisions of Section 252(1) of the Local Government Act.

Amendments to the Policy will be carried out in accordance with the provisions of Section 253 of the Local Government Act.

Formatting or grammatical corrections to the Policy including amendments to legislation or guidelines issued by the Office of Local Government may be made with approval of the General Manager.

22 ALLOWANCE (SALARY) SACRIFICE

"In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."

Councillors should seek their own financial advice on the impact upon their personal financial and taxation benefits before nominating a deduction from their allowance/s into the nominated superannuation fund. These requests are to be directed to the General Manager.

No other allowance (salary) sacrifice benefits are available to Councillors.

23 THE ROLE OF COUNCILLOR

Section 232 of the Local Government Act defines the role of a Councillor. It generally provides that Councillors have two distinct roles; as a member of the governing body of the Council; and as an elected person. Councillors as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the Council. Their role as an elected person requires Councillors to represent the interests of the community and provide leadership.

The Councillor Expenses and Facilities Policy should facilitate and assist Councillors to carry out their role.

Section 232 of the Act (The role of a councillor) states:

(1) The role of a councillor is as follows:

- (a) to be an active and contributing member of the governing body,*
- (b) to make considered and well informed decisions as a member of the governing body,*
- (c) to participate in the development of the integrated planning and reporting framework,*
- (d) to represent the collective interests of residents, ratepayers and the local community,*
- (e) to facilitate communication between the local community and the governing body,*
- (f) to uphold and represent accurately the policies and decisions of the governing body,*
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.*

(2) A councillor is accountable to the local community for the performance of the council.

Recognition of service

In recognition of long service as Councillor and/or Mayor, Councillors are eligible to receive particular Local Government NSW awards if their service meets certain criteria. Refer to Council's *Councillors' Recognition of Service Policy* for details.

24 ACCESS TO POLICY

The Government Information (Public Access) Act 2009 ("GIPA Act") gives a right to all persons to access Council documents as listed in the Act. These documents include annual reports, management plans, and Council policies including this Policy. The GIPA Act provides that the public is able to inspect such documents during office hours at the Council, and at no charge. This Policy is also available online.

25 RELEVANT PROVISIONS UNDER THE ACT AND REGULATION

Reporting

Section 428(2) (f) of the Act requires Council to include in its annual report:

- *The total amount of monies expended during the year on Mayoral fees and Councillors fees,*
- *The Council's policy on the provision of facilities for the use by Councillors and the payment of Councillors' expenses,*
- *Statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition, Section 428(2) (r) of the Act states, "*such other information as the regulations may require*".

Clause 217 of the Regulation requires Council to include in its annual report 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 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.*

Disallowance of expenses and facilities

Clause 403 disallows the payment of a general expense allowance and for a vehicle to be made available for the exclusive use of a Councillor other than the Mayor.

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a Council:

- (a) to pay any Councillor an allowance in the nature of a general expense allowance, or*

(b) 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.

26 OTHER NSW GOVERNMENT POLICY PROVISIONS

26.1 Office of Local Government Guidelines

Under section 252(5) of the *Local Government Act 1993* the Council expenses policy must comply with guidelines issued under section 23A of the Act.

26.2 Circulars to Councils

The policy must take into account the following Circulars.

- Circular 16-20 re *Misuse of Council Resources*
- Circular 16-18 re *Council Decision Making prior to Ordinary Elections*
- Circular 09/36 re *Councillor Expenses and Facilities Guidelines*
- Local Government Circular 17-17 Councillor Expenses and Facilities Policy Better Practice Template

26.3 The Model Code of Conduct for Local Councils in NSW (OLG)

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Office of Local Government - November 2015*. The following parts of the Code are particularly relevant to s252 policies:

Code of Conduct provisions relevant to this policy are:

"Use of Council resources

You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters*
- b) the representation of employees with respect to grievances and disputes*
- c) functions associated with the role of the local consultative committee.*

You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:

- a) the purpose of assisting your election campaign or the election campaign of others, or*
- b) for other non-official purposes.*

You must not convert any property of the Council to your own use unless properly authorised.

You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature."

26.4 Councillor Induction and Professional Development Guide (OLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the Council. The Office has produced a *Councillor Induction and Professional Development Guide* (September 2008) and this was updated in June 2012 (circular 12-18) to assist Councils to develop these programs. The Guide is available on the OLG website.

26.5 No Excuse for Misuse, preventing the misuse of Council resources (ICAC)

Councils should also be aware of and take account numerous corruption reports available from the Independent Commission Against Corruption (ICAC) concerning misuse of resources or corruption that are available on the ICAC website at www.icac.nsw.gov.au.

Councillors are also referred to the Council's Code of Conduct (Part 7) and its Electronic Communications Policy (Appendix 1 – Inappropriate use of electronic communications) regarding the use of Council's resources

27 RELEVANT DOCUMENTS

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees
- Local Government Circular 17-17 Councillor Expenses and Facilities Policy Better PracticeTemplate
- Council's Code of Conduct

28 VERSION HISTORY

Version	Release Date	Author	Reason for Change
1.0	14/09/2016	Bruce Cooke	New document
2.0	12/07/2017	Warren Park	Review of document
2.1	30/08/2017	Warren Park	Minor edits
3.0	10/10/2018	Coordinator Governance	Review of document

Appendix A - Claim for Reimbursement of Expenses by Councillors

I hereby submit my claim for reimbursement of expenses in accordance with the provisions of the Local Government Act and Council's Councillors' Expenses & Facilities Policy.

Councillor.....

Claim for reimbursement of expenses

Date	Nature of Business/ Function attended	Representing Mayor/Council		Nature of Claim	\$ or % For Private Use Above 5%	\$ or % Civic Duties	Amount Claimed (Inc GST)
		Yes	No				

Claim for reimbursement of travel expenses (personal vehicle/taxi cab / ride-share eg. Uber)

Date	Nature of Business/ Function attended	Method of travel	Pick-up Point*	Destination*	Distance in kms	Rate /km#	Amount claimed

* Pick-up Point and Designation is required for Taxi cab vouchers / documented ride share eg. Uber.
Contact Council's Executive Services to obtain current rate for Km usage

Total amount claimed: \$_____

Please note:

- The form is to be lodged with Tax Invoices/Receipts attached in order for reimbursement to be processed.
Claims must be lodged within one month of incurring.
- Councillors are required to submit Taxi cab dockets / documented ride share eg. Uber dockets containing a note as to the Council business/function attended that was covered by the journey as well as the pick-up point and destination for reconciliation with the monthly account from the service supplier

I certify that the above expenses have been reasonably incurred in the performance of my role as a Councillor of Bayside Council and are due and payable to me in accordance with Council's Policy.

Signature: Date: / /

Appendix B – Process for Claiming Reimbursement of Legal Costs

1. To whom do you make the application for reimbursement?

The application for reimbursement of legal expenses should be made in writing to the General Manager. The General Manager may ask for additional information and shall put such application before the Council in accordance with the Policy.

2. When can you make an application for reimbursement?

An application for reimbursement of legal expenses can be made having regard to rights and obligations in the Policy.

3. Requirement for previous application to the Attorney-General where acting as a witness before an ICAC hearing

If you have been called as a witness at a hearing (public or private) conducted by the Independent Commission Against Corruption (**ICAC**), you must have:

3.1. **Prior to or during your appearance as a witness at the hearing,** applied in writing to the Attorney General for financial assistance with respect to your legal representation, pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*; and

3.2. Have been refused such financial assistance in part or full.

Note: Your application to the Attorney-General will need to include the full details of your financial situation and, provided your summons does not prevent you from doing so, the evidence you expect to give.

4. What other eligibility requirements need to be addressed in your application?

The application should address the following criteria where relevant:

- 4.1 specify which investigative body has conducted the relevant interview/s and hearing/s (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.2 specify whether you are currently a Councillor or Mayor, or have been a former Councillor or Mayor (in which case you must have been acting in this office at any time from the March 2004 Local Government Elections onwards);

Note: See the definition of “investigative body” in the Policy.

- 4.3 state whether you are the subject of the investigation/s and/or the hearing/s and, if not, specify who is the subject (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

Note: Where you are uncertain as to whether you are the subject of the investigation/s and/or the hearing/s, or as to whom the subject is, you should state this.

- 4.4 provide details of the request or summons to attend an interview/s or hearing/s by the relevant investigative body (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.5 detail the legal expenses (including hourly rate charged) in part or in full incurred in connection with attending the interview/s or hearing/s (public or private);
- 4.6 describe the nature of the information the investigative body has, through requesting an interview or your attendance at a hearing, sought from you (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.7 describe how the information the investigative body has sought from you directly derives from your discharge of duties or your exercise of civic functions as the Mayor or as a Councillor (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.8 state whether you are satisfied you discharged the duties or exercised the functions in question in good faith or with honest intent (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.9 show that you have complied with any reasonable and lawful direction of your insurer and/or the General Manager (if there has been any such direction); and
- 4.10 provide evidence that the investigative body or Court has:
 - 4.10.1 confirmed in writing that it has completed the investigation/s or hearing/s or, where a Report is to be provided pursuant to the relevant legislation, published its Report; and
 - 4.10.2 confirmed in writing that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you.

5. What documents need to be included with your application?

Where appropriate the following information should be provided:

- 5.1 A copy of the document requesting your attendance at an interview/s or hearing/s by the investigative body or Court, for example, a letter or summons (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 5.2 If you have been called as a witness at a hearing (public or private) conducted by ICAC, a copy of your request to the Attorney-General for legal assistance pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*, and a copy of the Attorney General's response;

- 5.3 Copies of any itemised invoices issued to you for legal expenses (fees charged for legal representation or legal advice including the hourly rate charged) in connection with the interview/s or hearing/s and any receipts for payment for such invoices;
- 5.4 Confirmation in writing from the investigative body or Court that it has completed its investigation/s or hearing/s or, where a Report has been prepared, a copy of the Report or the decision of the Court;
- 5.5 Where not included in the Report, or where a Report is not provided, written confirmation that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you;
- 5.6 Any other documents relevant to the eligibility requirements outlined in paragraph 4.

6. What will happen where a suppression order or other order restricting disclosure of information applies?

- 6.1 Where you have been ordered by the investigative body or Court, for example, in your summons, not to disclose information which the Policy requires you to provide (see paragraph 4 and 5 above), you should refrain from including such information in your application.
- 6.2 Once any suppression order or other order has been lifted by the investigative body or Court, you should immediately provide the General Manager with the information previously omitted from your application on this basis.
- 6.3 The General Manager may not be able to consider your application where a suppression order or other order restricting disclosure of information apply until the suppression order or other order is lifted and information previously omitted is available where the information is required to approve the reimbursement.

7. Will Council need to pass a resolution regarding my application?

- 7.1 Yes, in accordance with Clause 11.7.2.5 Legal Assistance of this Policy “A Councillor must seek and obtain approval from Council for indemnity and reimbursement of any legal cost covered by this policy prior to legal expenses being incurred.
- 7.2 Any resolution by Council to provide indemnity and reimbursement needs to be consistent with this Policy and subject to the provisions of clause 11.7.2.1.
- 7.3 Where Council is not satisfied of the above, Council should provide reasons for its determination.

Appendix C - Electronic Equipment Acknowledgement

Appropriate Use

As a Council official of Bayside Council, I will use electronic communications and/or devices appropriately, and in accordance with the Code of Conduct and Electronic Communications Policy (both accessible from the Councillor Portal).

In particular, I am aware that:

- Council's Code of Conduct specifically includes a requirement that Council officials "must use resources ethically, effectively, efficiently and carefully in the course of (their) duties."
- Council's Electronic Communications Policy provides more specific guidance as to the use of Council's electronic communication devices.

I understand that it is my responsibility to seek advice regarding any questions that I might have regarding the use of Council's equipment prior to my using this device.

Standards of use

I acknowledge that the standards of use of electronic communications and devices are as outlined in the Electronic Communications Policy:

- Do not use devices or electronic communications in a way that is unlawful or in conflict with this and other Council's policies and procedures.
- Do not use devices or electronic communications in a way that damages Council's reputation.
- Do not access Council information that is not relevant to your official responsibilities.
- Do not interfere with others conducting Council business.
- Do not use Council's electronic devices for personal use (apart from insignificant use).

Software and applications

I understand that:

- I should report any known misuse of software or related documentation to the General Manager.
- Under Australian copyright law, unauthorised duplication and distribution of software can expose Council to extensive fines and claims for civil damages, and can expose me to personal fines together with possible detention and claims for civil damages.
- With Council owned and supplied electronic devices, I must only use on those devices copies of software legally acquired by the Council or myself, and I must comply with all known license conditions accompanying any software acquired or used.

Monitoring

I acknowledge that, in accordance with Section 10 of the Workplace Surveillance Act 2005, surveillance of electronic communications and devices is undertaken by Council.

Enquiries

Enquiries to IT Helpdesk through Councillor Support or 9562 1757.

Ownership

I acknowledge that, if an electronic communication device is provided by Council, it remains the property of Bayside Council. The following electronic communications and other items have been allocated to me:

Tablet	BC No:	Serial No:
Locker key	No:	
Garage remote	User No:	
Taxi card	Yes	Refer to separate Taxi cab form

Councillor's Name

Signature

Date

Councillor Support Officer