



Hawkesbury City Council

attachment 1
to
item 206

Policy regarding
payment of Expenses
and Provisions of
Facilities to
Councillors

date of meeting: 24 November 2015
location: council chambers
time: 6:30 p.m.



Hawkesbury City Council
Policy

Policy regarding payment of
Expenses and Provision of
Facilities to Councillors

Section 252 Local
Government Act 1993

Hawkesbury City Council



HAWKESBURY CITY COUNCIL POLICY
Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors

Table of Contents

| | | |
|---------------|--|----------|
| PART 1 | INTRODUCTION | 3 |
| 1 | TITLE..... | 3 |
| 2 | PURPOSE OF POLICY | 3 |
| 3 | OBJECTIVES..... | 3 |
| 4 | MAKING AND ADOPTION OF THE POLICY | 3 |
| 5 | REPORTING REQUIREMENTS..... | 4 |
| 6 | OTHER GOVERNMENT POLICY PROVISIONS..... | 4 |
| 7 | APPROVAL ARRANGEMENTS | 4 |
| PART 2 | PAYMENT OF EXPENSES | 4 |
| 1 | EXPENSES..... | 4 |
| 2 | ANNUAL FEES | 7 |
| a) | Mayor | 7 |
| b) | Deputy Mayor..... | 7 |
| c) | Councillors | 7 |
| d) | Sacrificing Annual Councillor fees to complying superannuation funds | 7 |
| PART 3 | PROVISION OF FACILITIES..... | 8 |
| 1 | UPON ELECTION TO OFFICE | 8 |
| 2 | DURING THE TERM OF COUNCIL | 8 |
| a) | Mayor | 8 |
| b) | Deputy Mayor..... | 9 |
| c) | Councillors | 9 |
| 3 | PRIVATE USE OF EQUIPMENT AND FACILITIES..... | 11 |
| 4 | EXECUTIVE SUPPORT | 11 |
| a) | Mayor | 11 |
| b) | Deputy Mayor..... | 11 |
| c) | Councillors | 11 |
| 5 | COUNCIL MEETINGS | 11 |
| 6 | ACCESS TO COUNCIL OFFICES | 11 |
| a) | Mayor, Deputy Mayor and Councillors..... | 11 |
| 7 | INSURANCE | 12 |
| 8 | POSTAGE..... | 12 |
| 9 | LETTERHEAD | 12 |
| a) | Mayor | 12 |
| b) | Councillors | 12 |
| c) | Correspondence..... | 12 |
| 10 | COUNCILLORS WITH DISABILITIES..... | 12 |
| 11 | CARERS AND OTHER RELATED EXPENSES..... | 13 |
| 12 | LEGAL ASSISTANCE..... | 13 |
| 13 | COUNCIL MEETING RECORDINGS | 13 |



HAWKESBURY CITY COUNCIL POLICY

**Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors**

PART 4 – OTHER MATTERS..... 14

1 ACQUISITION AND RETURN OF FACILITIES AND EQUIPMENT BY COUNCILLORS 14

2 STATUS OF POLICY..... 14

ATTACHMENT A: COUNCIL INTERSTATE AND OVERSEAS TRAVEL POLICY..... 18



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

PART 1 INTRODUCTION

1 TITLE

This policy is to be known as the Council's Policy Regarding the Payment of Expenses and Provision of Facilities to Councillors.

2 PURPOSE OF POLICY

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

3 OBJECTIVES

- a) To ensure that Councillors are reimbursed for all expenses legitimately and reasonably incurred in performing the role of Councillor.
- b) To establish clear guidelines regarding the provision of facilities and equipment to Councillors and the permitted use of such facilities and equipment.
- c) To provide for facilities and equipment to be made available to the Mayor and Councillors.
- d) To fulfill the statutory responsibilities of Section 252 of the Local Government Act 1993.

4 MAKING AND ADOPTION OF THE POLICY

This policy is made under the provisions of the Local Government Act 1993, including Sections 252 to 254, and having regard to the provisions of circulars issued by the Division of Local Government, Department of Premier and Cabinet in this regard. Section 252 of the Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors and is in the following terms:

- (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.*



HAWKESBURY CITY COUNCIL POLICY
Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors

5 REPORTING REQUIREMENTS

Section 217 of the Local Government (General) Regulation 2005 and the NSW Division of Local Government's Integrated Planning and Reporting Guidelines stipulates the inclusions in Council's Annual Report, including:

- the cost of Councillor office equipment
- the cost of Councillors attending conferences and seminars
- the expenses for any spouse/ partner accompanying a Councillor in the performance of their civic duties
- total annual allowances paid to Councillors and the Mayor.

6 OTHER GOVERNMENT POLICY PROVISIONS

- Division of Local Government, Department of Premier and Cabinet Guidelines for payment of expenses and provision of facilities
- Model Code of Conduct
- Division of Local Government, Department of Premier and Cabinet Circulars to councils
- ICAC publications

7 APPROVAL ARRANGEMENTS

Approval for discretionary trips and attendance at conferences and the like under this policy should, where possible, be approved by a full meeting of the council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of council meetings it should be given jointly by the Deputy Mayor and the General Manager.

Total costs for the payment of expenses and the provision of facilities to Councillors are to be within the limits of the provision of Council's annual budget, with expenditure against budget allocation to be reviewed quarterly in accordance with Council's standard quarterly budget review process.

PART 2 PAYMENT OF EXPENSES

1 EXPENSES

- a) "Expenses" includes travelling, accommodation and sustenance costs, entertainment, taxi charges, seminar and conference fees.
- b) Such expenses paid to Councillors are for attendance at meetings of the Council, other meetings duly authorised by the Council, inspections in compliance with a Council resolution or where a Councillor is representing Council as a delegate or participant at a function, conference or seminar.
- c) Council supports and encourages an active learning process and skills development for Councillors.

In recognition of this, Council may authorise the attendance of Councillors at conferences or seminars with expenses associated with such attendance being met in accordance with this policy. The General Manager may authorise attendance at relatively minor seminars or short courses conducted by organisations such as the Local Government Association, Local Government Managers Association and other similar bodies covering industry related issues.



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

Council also recognises the value in the development of Councillors of other training or educational courses which are directly related to the Councillor's civic functions and responsibilities.

Council will re-imburse reasonable expenses for attendance by Councillors at training or educational courses, including courses run by recognised educational institutions resulting in a formal qualification, authorised by the General Manager in advance, where it directly relates to the Councillor's civic duties and responsibilities.

The General Manager or his delegate may authorise claims for such expenses up to \$2,000 per annum, with any requests which would result in the re-imbursement of an amount higher than this for an individual Councillor being referred to Council for consideration.

In the event that the General Manager considers that a requested training or educational course does not meet the requirements of this clause the matter is to be referred to Council for consideration if this is requested by the Councillor concerned.

- d) The traveling costs re-imbursed to Councillors shall be the same rate as that applied in the Local Government State Award, or any agreement or award that may replace this award, and payable on the following basis:
- (i) to and from the meetings of the Council, or a meeting of any committee of the Council, provided that the allowance is payable only from the Councillors residence to the Council offices or designated meeting place. Should a Councillor be attending a meeting not departing from their residence, any claim is limited to the place of departure or the Council boundary, whichever is the closer;
 - (ii) upon inspections , provided such inspections are undertaken in compliance with resolutions of the Council;
 - (iii) upon business of the Council outside the area in compliance with a resolution of the Council;
 - (iv) to and from conferences attended by a Councillor, provided such attendance is authorised by Council, or the Mayor or the General Manager; and
 - (v) distances claimed shall be the shortest practicable route.
 - (vi) Upon business of Council inside the Hawkesbury Local Government Area (such as functions, ceremonies, school presentation, etc.).
- e) Council's Policy for Interstate and Overseas Travel is outlined in Attachment A. Notwithstanding the Policy; Council is to meet all direct expenses in association with attendance by members including registration fees, transport and accommodation. In the case of members using their own private motor vehicle transport, a kilometer allowance is to be paid in accordance with (d) above. Travel arrangements are to be made through the General Manager's office.
- f) Incidental expenses such as telephone calls, refreshments, meals not provided as part of conference participation, internet charges, laundry and dry cleaning, newspapers, taxi fares, parking, etc., will be reimbursed upon presentation of documentary evidence and completion of a claim form. Amounts to be reimbursed shall be limited to \$75.00 per day, such amount to be reviewed annually based upon CPI adjustment.
- g) Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home and approved in accordance with Part 1 (7) above. These must be fully reconciled against actual expenses incurred and shall be limited to \$75.00 per day, such amount to be reviewed annually based upon CPI adjustment. Where the advance has not been expended in full after appropriate reconciliation, the balance of the advance is to be repaid to Council.



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

- h) Claims for re-imbusement of expenses under (f) above or a reconciliation in respect of an advance made under (g) above are to be made within 1 month of the event the subject of the claim occurring.
- i) No objection is raised to attendees at conferences being accompanied by their spouse/partner subject to Council not being required to meet any costs in addition to those to be expended in association with a councillor's participation.
- j) Where the Mayor is required to attend a function on behalf of Council, and the nature of the function is such that the Mayor's spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses, e.g. ticket, meal and or direct cost of attending the function.
- k) Where the Mayor has requested a councillor to attend a function (on behalf of Council), in his/her stead, and the nature of the function is such that the councillor's spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses, e.g. ticket, meal and or direct cost of attending the function.
- l) When Councillors are attending an official function of the Council in the performance of their councillor role and it would normally be expected that the Councillor would be accompanied by their spouse/partner or an accompanying person the Council will meet the cost of the attendance of the Councillors spouse/partner or accompanying person at the function. Examples of such functions could include, but not be limited to, Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions, charitable functions for charities formally supported by the Council, etc.
- m) Pursuant to Section 252(3) of the Local Government Act the General Manager has authority to approve payments and advances made in accordance with this Policy. All claims for expenses shall be submitted on an approved form for approval by the General Manager or his delegate. The reimbursement of expenses are to be claimed within 1 month of them being incurred.
- n) Councillors and their spouses are entitled to attend conferences that relate to Local Government with the Council meeting all reasonable expenses in accordance with its policy in relation to the Councillor with travel for the Councillor's partner being the responsibility of the Councillor. Approval for such attendance to be given by the Mayor, alternatively the matter requiring the approval of the Council. A list of attendances and expenses be provided to each Councillor at the end of each six months and 12 months.



HAWKESBURY CITY COUNCIL POLICY
Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors

2 ANNUAL FEES

a) Mayor

In accordance with Section 249(1) of the Local Government Act 1993, Council will pay the Mayor an annual fee monthly in arrears, with the fee to be determined annually. This fee will be paid in addition to the fee paid to the Mayor as a Councillor.

Such amount is to be determined by Council in accordance with the Remuneration Tribunal's Guidelines.

b) Deputy Mayor

In accordance with Section 249(5) of the Local Government Act 1993, Council may pay the Deputy Mayor an allowance for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee paid to the Deputy Mayor would be deducted from the Mayor's annual fee. Such amount to be determined by Council in conjunction with the decision in respect of (a) above (Mayor).

c) Councillors

In accordance with Section 248(1) of the Local Government Act 1993, Council will pay all Councillors an annual fee paid in 12 equal installments, monthly in arrears.

The amount of the fee shall be determined by Council in accordance with the Remuneration Tribunal's Guidelines.

d) Sacrificing Annual Councillor fees to complying superannuation funds

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.



HAWKESBURY CITY COUNCIL POLICY
Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors

PART 3 PROVISION OF FACILITIES

1 UPON ELECTION TO OFFICE

Each Councillor will be provided with the following upon election to office:

- a) various stationery for their elected member/civic office duties, i.e. business cards and letterhead;
- b) a copy of Council's Councillor Induction Handbook, which includes all relevant publications produced to assist Councillors in the performance of their duties of office, including a copy of Council's Code of Meeting Practice, Code of Conduct and other relevant policies; the Delivery Program, Operational Plan, current Annual Report and Local Government Handbook if available.

The above items will be located at the Councillor's place of residence or place of business and remains the property of Council being returnable upon the Councillor ceasing to hold office with Council.

2 DURING THE TERM OF COUNCIL

a) Mayor

The Mayor will be provided with the following items, which remain the property of Council and, where applicable, must be returned to Council upon the Mayor ceasing to hold that office:-

- (i) an office suitably furnished and including a telephone and computer outlet;
- (ii) a parking space;
- (iii) Mayoral Chain of Office for official/civic/ceremonial use;
- (iv) an iPad, or similar device, a desktop or laptop computer with appropriate software, internal modem, CD ROM and/or DVD-RW, mouse, USB memory stick, carry case and broadband internet connection (ADSL) with electronic mediums such as the Internet and email for which the Council will maintain and upgrade as appropriate. The electronic devices will be set up by Council staff and secured with no access to the "control panel";
- (v) Surge protection and anti virus software;
- (vi) mobile telephone with blue tooth capabilities;
- (vii) a suitable name badge;
- (viii) a refreshments cabinet located in the Mayoral Office which will be maintained and stocked by Council;
- (ix) provision of tea, coffee and refreshments to the Mayor when fulfilling his/her Mayoral duties as required;
- (x) multi-function printer/fax/copier/scanner/answering machine at the Mayor's residence or place of business and sufficient printer and/or fax paper and consumables such as toner cartridge to operate the machine and its installation and relocation costs;
- (xi) additional phone line independent of the fax line if required; and
- (xii) an appropriate diary, either in hardcopy or electronic format to assist in the conduct of civic duties.



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

In respect of items (vi), (x) and (xi) above, Council will pay all Council related call charges to a maximum of \$300.00 per month and rental/line charges. The Mayor will be responsible for reimbursing Council for amounts in excess of these limits in addition to personal calls within three months of the date of the invoice issued by Council. In the case of the Mayor ceasing to hold office, all reimbursements must be made within one month of the effective date. Where a Council provided mobile phone has poor mobile reception at the Mayor's place of residence Council will reimburse the Mayor for use of his/her private mobile phone on production of appropriate documentation within a period of 28 days of him/her receiving his/her mobile phone account.

The following items are for use as required by the Mayor in the performance of his/her role:

- (i) Christmas cards for forwarding in his/her role as an elected member of Hawkesbury City Council;
- (ii) business cards for his/her role as Mayor of Hawkesbury City; and
- (iii) presentation gifts, e.g. ties, scarves, books, etc., for own use and presentations as appropriate.

b) Deputy Mayor

The Deputy Mayor will be provided with the same facilities as those provided to Councillors.

In addition, when the Deputy Mayor is acting in the position of Mayor due to the absence of the Mayor, the Deputy Mayor will have use of the following facilities provided for the Mayor:-

- (i) Mayoral Office;
- (ii) the refreshments cabinet located in the Mayoral office which will be maintained and stocked by Council;
- (iii) a suitable name badge; and
- (iv) provision of tea, coffee and refreshments to the Deputy Mayor when fulfilling his/her duties as required.

c) Councillors

Councillors will be provided with the following items that, subject to Part 4 (1) of this Policy, remain the property of the Council:

- (i) a room suitably furnished for use by all Councillors and including a telephone and telephone desk, computer outlet and printer, and mailbox and key;
- (ii) a refreshments cabinet located in the Councillors' Room maintained and stocked by Council;
- (iii) a suitable name badge;
- (iv) car parking spaces will be provided for Councillors in the Council car park adjacent to the Council Offices when attending Council Meetings; and
- (v) Mobile telephone.



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

The following items are for use as required by Councillors in the performance of their role:-

- (i) Christmas cards for forwarding in their role as an elected member of Hawkesbury City Council;
- (ii) business cards for his/her role as an elected member of Hawkesbury City Council in particular;
- (iii) presentation gifts for use in connection with civic duties, eg. tie, scarf, books, etc., and presentations as appropriate;
- (iv) provision of tea, coffee and refreshments to Councillors when carrying out their civic duties in the Council Chambers as required;
- (v) multi function printer/fax/copier/scanner machine and printer and/or facsimile paper and consumables such as toner cartridge suitable for use in Councillor's machine for Council business, as required;
- (vi) additional phone line independent of fax line if required;
- (vii) an iPad, or similar device, a desktop or laptop computer with appropriate software, internal modem, CD ROM and/or DVD-RW, mouse, USB memory stick, broadband internet connection (ADSL) and carry case, electronic mediums such as the Internet and email for which the Council will maintain and upgrade as appropriate. The electronic devices will be set up by Council staff and secured with no access to the "control panel"; and
- (viii) surge protection and anti virus software; and
- (ix) an appropriate diary, either in hard copy or electronic format to assist in the conduct of civic duties.

In addition the Mayor and Councillors have the option to wear the uniform approved by Council for staff and, where the option is taken up, be provided with corporate clothing in accordance with the Staff Uniform Subsidy Policy applying to staff.

In respect of items (v), (x) and (xi) above Council will pay all Council related call charges to a maximum of \$225.00 per month in respect of the Deputy Mayor and \$150.00 per month in respect of other Councillors, and rental/line charges. The Deputy Mayor and Councillors will be responsible for reimbursing Council for amounts in excess of these limits in addition to personal calls within three months of the date of the invoice issued by Council. In the case of ceasing to hold office, all reimbursements must be made within one month of the effective date. Where a Council provided mobile phone has poor mobile reception at the Councillor's or Deputy Mayor's place of residence Council will reimburse that Councillor or the Deputy Mayor for use of his/her private mobile phone on production of appropriate documentation within a period of 28 days of him/her receiving his/her mobile phone account.

No unauthorised or unlicensed software is to be installed on the electronic devices provided by Council and Councillors are required to comply with Council's Usage of Email and Usage of Internet Service at all times, when using Council's electronic devices. Councillors will be required to endorse a copy of the policy indicating that they have read the contents and agree to comply with the policies.

Councillors will receive a copy of their monthly telecommunications account and will be required to complete a usage declaration highlighting any personal usage to be reimbursed to Council. Reimbursements can be paid by each Councillor or deducted from their monthly allowance in accordance with Section 252(2) of the Act.

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.



HAWKESBURY CITY COUNCIL POLICY
Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors

3 PRIVATE USE OF EQUIPMENT AND FACILITIES

Councillors should not generally obtain private benefit from the provision of equipment and/or facilities by the Council; however, it is acknowledged that Councillors may obtain some private benefit from the incidental use from time to time. However, having considered the issue Council is of the opinion that this incidental private benefit is of such a relatively minor nature that it is not necessary for Councillors to reimburse Council for this incidental private use.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

4 EXECUTIVE SUPPORT

a) Mayor

- (i) The Mayor will be provided with the services of a suitably qualified and experienced Executive Assistant; and
- (ii) The Mayor will be provided with a fully maintained and fuelled motor vehicle being to the standard of a Ford Falcon G Series or Holden Caprice for all official and personal use. Such motor vehicle and/or mobile telephone shall not be used for purposes of electioneering.

b) Deputy Mayor

The Deputy Mayor will be provided the same Executive support as Councillors, however, in the absence of the Mayor, the Deputy Mayor will have the use of the following:-

- (i) access to the secretarial services; and
- (ii) subject to availability, access to the Mayoral vehicle for Council business use or a similar vehicle to be provided for any civic or ceremonial function only.

c) Councillors

Councillors will be provided with access to secretarial services for Council related issues by a suitably qualified and experienced secretary, subject to availability and approval by the General Manager.

5 COUNCIL MEETINGS

At Council/Committee meetings the Mayor, Deputy Mayor and Councillors will be provided with suitable meals, including refreshments. The General Manager, in consultation with the Mayor and Councillors, will determine the standard of the meals provided.

6 ACCESS TO COUNCIL OFFICES

a) Mayor, Deputy Mayor and Councillors

All Councillors will be provided with an access card that enables entry to the Council Chambers area. The Mayor will be provided with access to his/her office.

The access cards remain the property of Council and must be returned to Council upon the person ceasing to hold office.



HAWKESBURY CITY COUNCIL POLICY
Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors

7 INSURANCE

Council will provide for Councillors the following:

- Insurance of a Councillor against personal injury, whether fatal or not, arising out of or in the course of carrying out duties or the performance by such Councillor in functions in his/her capacity as a member of Council.
- Insurance to cover any loss or damage to Council property in their possession or control.
- Public Liability (for matters arising out of Councillors' performance of their civic duties and for exercise of their Council functions)
- Professional indemnity (for matters arising out of Councillors' performance of their civic duties and for exercise of their Council functions)
- Travel for approved interstate and overseas travel on Council business

8 POSTAGE

Council will meet the cost of reasonable postage of correspondence issued by the Mayor, Deputy Mayor and Councillors, provided such correspondence is directly related to the role of the elected member.

9 LETTERHEAD

a) Mayor

Council will provide standard Mayoral letterhead for use by the Mayor for official correspondence.

b) Councillors

Council will provide the appropriate letterhead for use by Councillors in replying to correspondence and in undertaking their civic duties.

c) Correspondence

Correspondence to Councillors will be placed in the relevant Councillor's mailbox adjacent to the Councillors' Room.

(Note: Correspondence by Councillors, relative to the elected member role, is NOT official correspondence of Council. It is only regarded as correspondence between the Councillor and the correspondent.)

10 COUNCILLORS WITH DISABILITIES

In addition to other clauses contained within this policy regarding the provision of facilities to Councillors, in the event of a Councillor having a disability that would prevent them from performing their civic duties without the provision of additional facilities, where necessary, and with the agreement of the Mayor and General Manager, additional appropriate facilities will be made available to that Councillor to assist them in the performance of their civic duties.



HAWKESBURY CITY COUNCIL POLICY
Policy Regarding Payment of
Expenses and Provision of Facilities to Councillors

11 CARERS AND OTHER RELATED EXPENSES

Council will reimburse reasonable costs of carer arrangements, including child care expenses and the care of elderly, disabled and /or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations. Such costs will be certified by the Councillor to be necessarily incurred in the course of fulfilling their civic duties and conducting the business of Council.

12 LEGAL ASSISTANCE

- a) Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.
- b) In the particular circumstances outlined below, the Council may indemnify or reimburse the reasonable legal expenses of:
 - (i) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or
 - (ii) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
 - (iii) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor
- c) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act is distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. An example of the latter is expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain. This latter type of expense does not form part of this policy.
- d) The Council may obtain insurance cover against the risk of having to meet the costs of or to reimburse a Councillor provided that the costs or reimbursements are ones that the council is authorised to meet.
- e) The Council will not meet the costs of an action in defamation taken by a Councillor or council employee as plaintiff in any circumstances.
- f) The Council will not meet the costs of a Councillor or Council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- g) The amount of any reimbursement to the Councillor shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis.

13 COUNCIL MEETING RECORDINGS

Council will provide to each Councillor, up to three recordings of Council Meetings, free of charge, in any one financial year.



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

PART 4 – OTHER MATTERS

1 ACQUISITION AND RETURN OF FACILITIES AND EQUIPMENT BY COUNCILLORS

Any equipment and/or facilities provided to Councillors in accordance with the terms of this Policy shall remain the property of the Council and, if applicable, must be returned upon the Councillor ceasing to hold office.

However, in the case of equipment allocated to Councillors, if that equipment is no longer required by Council or is to be the subject of replacement; or is excess to needs then Councillors are to have the option to acquire the item of equipment in question at its written down value or price to be obtained by Council as a result or an alternate means of disposal, whichever is the higher.

2 STATUS OF POLICY

| Date | Status |
|------------------|--|
| 15 November 2005 | Existing policy, following prior advertisement, readopted by Council. |
| 5 September 2006 | Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors issued by the then Office of Local Government. |
| October 2006 | <p>Existing policy amended having regard to above Guidelines. Content of policy re-arranged with, other than the minor amendment or alteration of wording that did not alter the provisions of the policy, the following changes being introduced into the policy as a result of the review:</p> <ul style="list-style-type: none"> • Part 1 – Introduction - Inserted into policy. • Part 2 – Payment of Expenses: <ul style="list-style-type: none"> The following clauses subject to minor amendments: <ul style="list-style-type: none"> - 1 a. - The word "allowances" removed. - 1 b. - The word "function" inserted. - 1 c. - The third word "allowances" removed and replaced with "costs re-imbursed". The following clauses amended or inserted: <ul style="list-style-type: none"> - 1 e. – Expenses for attending conferences altered to provide for re-imburement for actual expenses up to \$75.00 per day. - 1 f. – An advance for conference expenses of up to \$75.00 per day may be paid subject to reconciliation requirements and repayment of unexpended amounts. - 1 g. - Claims for re-imburement of expenses or reconciliation of advance paid to be submitted within one month from end of event claimed for. - 1 h. – Councillors can be accompanied at conferences by spouse/partner subject to no additional costs being incurred by Council. - 1 i. – Where Mayor attends function on behalf of Council may be accompanied by spouse/partner at Council's costs - 1 j. – Where Mayor requests Councillors to represent him/her in his/her stead that Councillor may be accompanied by spouse/partner at Council's cost. - 1 k. – Where Councillors are attending an official Council function in the performance of their councillor role and it would normally be expected that the Councillor would be accompanied by their spouse/partner the Council will meet the cost of the attendance of the Councillors spouse/partner at the function. |



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

| Date | Status |
|-----------------|--|
| | <ul style="list-style-type: none">• Part 3 – Provision of Facilities.<ul style="list-style-type: none">- Subsection 3. Private Use of Equipment and Facilities inserted.- Subsection 3, Part c. amended by insertion of words "for council related issues" and "subject to availability and approval by the General Manager".• Part 4 – Other Matters<ul style="list-style-type: none">- 1. Acquisition and Return of Facilities and Equipment by Councillors - Inserted into policy.- 2. Status of Policy - Inserted into policy. |
| 30 January 2007 | Adopted by Council |
| 28 August 2007 | <p>The following minor amendments made to the existing policy after a review of the latest guidelines issued by the then Office of Local Government in May 2007:</p> <ul style="list-style-type: none">• Part 1 - Section 5 - Reporting Requirements Additional point as follows:<ul style="list-style-type: none">- Additional information as required by the Local Government (General) Regulation 2005.• Part 3 - Section 7 - Insurance Additional insurance provisions for Councillors to cover:<ul style="list-style-type: none">- Public Liability (for matters arising out of Councillors' performance of their civic duties and for exercise of their Council functions)- Professional indemnity (for matters arising out of Councillors' performance of their civic duties and for exercise of their Council functions)- Travel for approved interstate and overseas travel on Council business. |
| 30 October 2007 | Adopted by Council |
| 29 July 2008 | <p>The following amendments made to the existing policy after a review of the current provisions leading up to the local government elections and the findings of a review of Councillor expenses and facilities policies conducted by the then Office of Local Government (OLG) and released in January 2008:</p> <ul style="list-style-type: none">• Part 1 - Section 7 - Approval Arrangements<ul style="list-style-type: none">- Additional information clarifying requirements• Part 2 - Section 1<ul style="list-style-type: none">- Specific mention of training and development having regard to OLG audit of policies.- Additional information clarifying approvals processes• Part 2 - Section 2<ul style="list-style-type: none">- New provision facilitating an arrangement whereby Councillor fees can be paid into superannuation on a pre tax basis having regard to advice from the Local Government Superannuation Scheme and the ATO;• Part 3 - Sections 2 and 3<ul style="list-style-type: none">- Updating provision of equipment to current standards- Clarifying expenses limits processes- Emphasising facilities not to be used for election purposes- Clarifying changeover of Mayoral vehicle |



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

| Date | Status |
|-------------------|--|
| | <ul style="list-style-type: none">Part 3 - Section 12 and 13<ul style="list-style-type: none">Introducing Carer and other related expenses - in accordance with OLG audit findingsIntroducing Legal Assistance - in accordance with OLG audit findings and OLG Circular 05/08. |
| 9 September 2008 | Adopted by Council with the following minor amendment to the Policy placed on public exhibition: <ul style="list-style-type: none">Part 2, Section 1 (m) altered to 1 month. |
| 29 September 2009 | Adopted by Council with the following amendment : <ul style="list-style-type: none">Part 3 - Section 4 (a) (ii) "Ford Fairlane" changed to "Ford Falcon G Series". |
| 31 August 2010 | The following amendments were placed on public exhibition: <ul style="list-style-type: none">Consequential changes due to the Office of Local Government becoming a Division of the Department of Premier and CabinetPart 3 – Section 2 (a) (iv) and (c) (xii) insert "USB memory stick"Insert Part 3 - Section 2 (a) (xii) and (c) (xiv) provision of appropriate diary in hard copy or electronic format.Part 3 - Section 2(a) and (c) Insert new provision allowing Councillors/Mayor where they have poor mobile reception to use their private mobile phone and have charges reimbursed. |
| 9 November 2010 | Adopted by Council with the following amendment: <ul style="list-style-type: none">Part 3 – Section 2 (a) (iv) and (c) (xii) insert "DVD-RW" |
| 13 September 2011 | The following amendments were placed on public exhibition: <ul style="list-style-type: none">Part 3 Section 4(a)(ii) - "Holden Statesmen" changed to "Holden Caprice".Part 3 Section 14 - Insert new provision entitling Councillors up to three free recordings of Council Meetings annually. |
| 8 November 2011 | Adopted by Council |
| 31 July 2012 | The following amendments were placed on public exhibition: <ul style="list-style-type: none">Councillor training and learning, are further refined and definedThe provision of productivity enhancing facilities by way of an iPad as well as a laptop or desktop computerIdentification of time limits to make payments for mobile phone reimbursements to CouncilOther minor amendments for the purposes of updating |
| 9 October 2012 | Adopted by Council |



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

| Date | Status |
|-------------------|---|
| 27 August 2013 | The following amendments were placed on public exhibition: <ul style="list-style-type: none">• Part 1 - Section 5 - Remove all content relating to Section 428(2)(f), and replace with content under "Section 217 of the Local Government (General) Regulation 2005 and the NSW Division of Local Government's Integrated Planning and Reporting Guidelines".• Part 3 - Section 1 - Existing (ii) removed. Insert into newly numbered (ii) "a copy of Council's Code of Meeting Practice, Code of Conduct and other relevant policies;".• Part 3 - Section 2(c) - The words "Each month" removed. The addition of "Reimbursements can be paid by each Councillor or deducted from their monthly allowance in accordance with Section 252(2) of the Act."• Minor typographical corrections. |
| 9 September 2014 | Policy Review with no changes. Reviewed Policy placed on public exhibition. |
| 11 November 2014 | Adopted by Council |
| 29 September 2015 | The following amendments were placed on public exhibition: <ul style="list-style-type: none">• All references to the Division of Local Government or DLG, be amended to Office of Local Government or OLG;• Under the heading of 'Mayor', clause 2(a)(vi), reference to Bluetooth capability has been worded more accurately;• Under the heading 'Part 2 – Payment of Expenses' point 1(d), an additional clause is added: "vi Upon business of Council inside the HLGA (such as functions, ceremonies, school presentations, etc)". |

* * * * *



HAWKESBURY CITY COUNCIL POLICY

Policy Regarding Payment of Expenses and Provision of Facilities to Councillors

ATTACHMENT A: COUNCIL INTERSTATE AND OVERSEAS TRAVEL POLICY

Preamble

This policy has been developed by the Local Government Association for the guidance of member Councils in planning interstate and overseas travel for Councillors and staff where Council funds will be used to finance the journey. It recognises that there are occasions when representatives will need to travel interstate or overseas to represent the interests of their local areas. The thrust of the policy is that plans for any such travel should be transparent to the community and have an identifiable benefit to the local area through Council activity.

Policy - Interstate Travel

In most cases the need for such travel cannot be anticipated with as long a lead time as can reasonably be expected for overseas travel. There are also issues involving Councils close to interstate borders (such as Albury Councillors visiting Wodonga, Tweed Councillors visiting Logan City). In these cases no special policy should apply. There are instances where Councils are required to visit Canberra for official purposes such as meetings with Federal parliamentarians and Ministers. For purposes of this policy the ACT is regarded as being within NSW. Where Councillors and staff members propose to travel interstate, the proposals should be considered at an open Council meeting through a report from the Mayor or General Manager.

Where the cost of the travel is expected to exceed \$1,500 for transport, accommodation, and out of pocket reimbursement of expenses per person, a detailed report should be provided outlining:

- Who is to take part in the travel;
- The objectives to be achieved in undertaking it, including an explanation of what community benefits will accrue to undertaking the visit; and
- Details of costs, including any amounts expected to be reimbursed by participants.

If the travel is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed. A detailed report should be included in the Annual Report in the year which the travel was undertaken, outlining how the travel's objectives were met and how the community benefited from it.

Policy - Overseas Travel

Proposals for overseas travel by Councillors and staff on Council business should be documented in the annual management plan. The plan must be widely circulated in the community. Community input about the proposed visit can, therefore, be considered as part of the management plan review and budget finalisation process.

Proposals should indicate:

- Who is planned to take part in the travel;
- The objectives for undertaking it, including an explanation of what community benefits will accrue from the exercise, with an approximate budget; and
- Detailed costs including a statement of any amounts expected to be reimbursed by the participants.

If the visit is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process. A detailed report should be given in the Annual Report for the year in which the visit took place, outlining how the objectives were met and what quantifiable benefits will flow to the community. The Council should consider the above proposals in open meeting and resolve whether or not the travel is to take place. Where exceptional cases arise and travel has to be undertaken at short notice, the above proposals should be put to Council for decision. The outcomes, costs and attendances should be included in the first Annual Report issued subsequent to the travel taking place.