

Ku-ring-gai Council

Policy for the Payment of Expenses and Provision of Facilities to Councillors

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Policy for the Payment of Expenses and Provision of Facilities to Councillors

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	<p>Local Government Act 1993 Sections 252, 253, 254, 428</p> <p>Local Government (General) Regulation 2005 217, 403</p>	<p>252 Payment of expenses and provision of facilities</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(4) A council may from time to time amend a policy under this section.</p> <p>(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</p> <p>253 Requirements before policy concerning expenses and facilities can be adopted or amended</p> <p>(1) A council must give public notice of its intention</p>
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		<p>to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.</p> <p>(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.</p> <p>(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.</p> <p>(4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:</p> <p>(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and</p> <p>(b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and</p> <p>(c) a copy of the notice given under subsection (1).</p> <p>(5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.</p> <p>254 Decision to be made in open meeting</p> <p>The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.</p> <p>428(pt) Annual reports</p> <p>(1) Within 5 months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.</p> <p>(2) The annual report in the year in which an ordinary election of councillors is to be held must also report as to the council's achievements in implementing the community strategic plan over the previous 4 years.</p> <p>(3) An annual report must be prepared in accordance with the guidelines under section 406.</p> <p>(4) An annual report must contain the following:</p> <p>(a) a copy of the council's audited financial reports prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting published by the Department, as in force from time to time,</p>
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		<p>(b) such other information as the regulations or the guidelines under section 406 may require.</p> <p><u>Local Government (General) Regulation 2005</u></p> <p>217(pt) Additional information for inclusion in annual reports</p> <p>1) For the purposes of section 428 (4) (b) of the Act, an annual report of a council is to include the following information:</p> <p>(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),</p> <p>(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:</p> <p>(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),</p> <p>(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,</p> <p>(iii) the attendance of councillors at conferences and seminars,</p> <p>(iv) the training of councillors and the provision of skill development for councillors,</p> <p>(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,</p> <p>(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,</p> <p>(vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,</p> <p>(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,</p>
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		<p>403 Payment of expenses and provision of facilities</p> <p>A policy under section 252 of the Act must not include any provision enabling a council:</p> <p>to pay any councillor an allowance in the nature of a general expense allowance, or</p> <p>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.</p> <p>Also, under Section 248A of the Act Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from civic office or the right to be paid any fee is suspended.</p> <p>Under Section 254A of the Act Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.</p> <p>Under clause 404 of the Regulation a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.</p> <p>A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.</p>
<p>Related Policies (Council & Internal)</p>	<p>N/A</p>	<p>N/A</p>
<p>Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc</p>	<p>N/A</p>	<p>N/A</p>
<p>Other References</p>	<p>Department of Local Government Circular No. 11-27, 21 September 2011, Findings from review of Councillor Expenses and Facilities Policies</p> <p>Department of Premier and Cabinet, Division of Local Government Circular No. 09-36, 7 October 2009, Release of Revised Councillor Expenses and Facilities Guidelines</p> <p>Department of Local Government Circular No. 07-22, 28 May 2007 Updated Guidelines for the Payment of</p>	

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	<p>Expenses and Provision of Facilities to Mayors and Councillors</p> <p>Department of Local Government Circular No. 05/08, 9 March 2005 Legal Assistance for Councillors and Council Employees</p> <p>ICAC Publication No Excuse for Misuse, November 2002</p> <p>Ku-ring-gai Council Code of Conduct.</p>	
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Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	08/03/2005	27/02/2007	Director Corporate	Original
2	27/02/2007	30/07/2008	Director Corporate	Major revision following DLG Circular 06-57
3	30/07/2008	13/10/2009	Director Corporate	Annual revision following DLG Circulars 07-22 and 08-03
4	13/10/2009	13/02/2010	Director Corporate	Annual Revision
5	13/02/2010	12/10/2010	Director Corporate	Revision following DLG Circular 09-36
6	12/10/2010	19/10/2011	Director Corporate	Annual review (CPI only)
7	19/10/2011	20/11/2012	Director Corporate	Annual review (CPI only)
8	20/11/2012	26/11/2013	Director Corporate	Annual review and minor revisions
9	27/11/2013	24/11/2014	Director Corporate	Annual review and minor revisions
10	25/11/2014	06/10/2015	Director Corporate	Annual review (CPI only) and reformatting into the new policy template
11	07/10/2015	Current	Director Corporate	Annual review (CPI only) and clarification of Councillor attendance at functions and events.
12		Draft	Director Corporate	Annual review (CPI only)

Policy

Purpose and Objectives

This is the Policy for the Payment of Expenses and Provision of Facilities to Councillors of Ku-ring-gai Council.

The purpose of this Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties, and that these expenses and facilities are provided in an accountable and transparent manner.

Scope

The objective of this Policy is to;

- describe those expenses incurred, or to be incurred, by Council on behalf of Councillors, and
- describe the facilities provided to Councillors by Council as part of their civic duties.

This Policy also aims to uphold and demonstrate the following key principles:

Conduct

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act 1993* ("the Act") or any other Act. This is reinforced in Council's *Code of Conduct*.

Participation, equity and access

The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic functions and business of Council.

Accountability and transparency

The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.

Reasonable expenses

Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor.

Only those entitlements specifically described in this Policy shall be provided by Council.

Responsibilities

This Policy is made pursuant to Sections 252-254 of the Local Government Act 1993. These sections are set out in in the related document information and standards and references section of this document.

The Policy is to be adopted by Council annually, within 5 months after the end of each financial year. Prior to adoption, public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.

Reporting Requirements

Section 428 of the Act and clause 217 of the *Local Government (General) Regulation 2005* ("the Regulation") require Council to include in each Annual Report details of the cost of implementing the Policy. Copies of this legislation are set out in the related document information and standards and references section of this document.

Payment of Expenses

General Provisions

Payment of Allowances and Expenses Generally

An annual fee is paid to each Councillor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fee paid to each Councillor is generally not intended to offset those costs.

The payment of allowances and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office, for example, civic functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or the Ku-ring-gai local government area.

No allowance shall be paid to a Councillor in the form of a general expense allowance, for example, a sum of money to expend on an item or service that is not required to be receipted and/or otherwise reconciled.

All travel by Councillors shall be by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations.

Reimbursement and reconciliation of expenses

Claims for reimbursement of expenses shall be submitted no later than 12 months after the expenses were incurred. Claims shall be submitted to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim. Tax invoices and receipts are to be supplied when available to support claims. The level of the supporting documentation is to be commensurate with the nature of the expenditure.

Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival
- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff in the Local Government (State) Award.

Where travel out of the Sydney metropolitan area can be undertaken by air, the amount payable for travel in a Councillor's own car shall be no more than the corresponding air fare and taxi fares to and from the airport.

Council shall, where possible pay expenses directly by account or through the corporate credit card. However it shall be necessary for Councillors to pay unexpected expenses and then seek reimbursement.

Once expenses of attending a conference, seminar or training course have been finalised, accounts shall be forwarded to Councillors for any expenses payable by them. Such accounts are to be repaid in

full within Council's normal terms, usually 30 days. Any arrangements to finalise an account by periodic payment may only be approved by Council.

An employee delegated by the General Manager shall assess all claims made under this Policy. The employee shall review a claim against the provisions of this Policy and make a recommendation to the General Manager. The General Manager shall then determine the claim. Approved claims, in part or in whole, shall be paid within seven (7) days.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

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

Payment in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training courses. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy, where the service or facility is not ordinarily acquired by Council. However, Councillors must fully reconcile all expenses against the cost of the advance. Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The level of the supporting documentation is to be commensurate with the nature of the expenditure. The maximum value of a cash advance is \$670

Establishment of Monetary Limits and Standards

Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are **exclusive of GST**.

Unless otherwise stated, any annual limits will be adjusted on a pro-rata basis where only part of a year of term applies.

Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

Spouse and Partner Expenses

In this clause accompanying person means a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor.

In limited circumstances Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor, such as costs associated with attendance at functions that are of a formal or ceremonial nature, or Council functions and events when accompanying Councillors within metropolitan Sydney. Examples include, but are not limited to, Australia Day award ceremonies, citizenship ceremonies, civic receptions and functions for charities, community service and sporting groups supported by Council.

Council shall also meet limited expenses of spouses, partners or accompanying persons associated with attendance at conferences. These expenses are limited to the cost of registration and official conference

dinners. Expenses such as travel expenses, any additional accommodation expenses shall not be met by Council.

Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function/conference. Each Councillor is entitled to a maximum of \$516 per year of term for external payments in respect of these types of expenses.

In addition Council shall meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences. These expenses are limited to the cost of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.

Also, Council shall meet limited expenses of spouses, partners or accompanying persons of the Mayor, or a Councillor representing the Mayor, when attending an official function of Council or carrying out an official ceremonial duty while accompanying the Mayor or the Mayor's representative outside Council's area, but within New South Wales. Such circumstances could include charitable functions or award ceremonies to which the Mayor has been invited to attend. These expenses are limited to the ticket, meal and/or direct cost of attending the function.

In all cases under this clause peripheral expenses of spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

Expenses for Councillors

Attendance at Conferences, Seminars and other Training Expenses

Council shall provide an annual budget for Councillor training and development based on a skills analysis and assessment of professional development needs of Councillors.

Council shall meet expenses incurred by Councillors attending conferences, seminars and training courses in any of the following circumstances:

- Attendance authorised by resolution of Council
- Attendance at conferences which are included in Council's Annual Program of Conferences and funds are provided in the adopted Delivery Program and Operational Plan and where the prior authority of the Mayor and General Manager has been obtained
- Attendance on a study tour involving domestic travel where the study forms part of a Task Force project plan and funds are available in the Task Force budget to be established and where the prior authority of the Mayor and General Manager has been obtained
- Attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved and where the prior authority of the Mayor and General Manager has been obtained.

Where the Mayor is seeking approval to attend a conference, seminar or training course the authority of the Deputy Mayor and the General Manager is required where applicable.

Requests from individual Councillors for attendance at conferences, seminars and training courses shall be in writing outlining the benefits for Council and the community.

After return from a conference, the Councillor/s or an accompanying staff member shall provide a written report to Council on the aspects of the conference relevant to Council business and/or the community. Such a report is not required for the annual conference of Local Government NSW.

If requested Council shall make all necessary arrangements for the attendance of Councillors at the conference, seminar or training course. Where the Councillor is being accompanied by another person, Council shall also make all of the necessary arrangements for that person. Council shall meet only those costs relating to the attendance of that person as set out under the 'Spouse and Partners Expenses' section.

Council shall meet the following costs for attendance at approved conferences, seminars and training courses:

Registration fees

Council shall meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.

Accommodation

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Transportation

Councillors attending a conference, seminar or training course shall travel by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations. Any time and costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.

For conferences, seminars and training courses out of the Sydney metropolitan area Council shall meet the cost of an economy class air ticket or Council shall reimburse transportation expenses as detailed below whichever is the lesser amount.

Council shall reimburse transportation expenses by a Councillor with the Councillor's own vehicle. For travel within a Council-owned vehicle, actual costs incurred shall be reimbursed.

Council shall meet the cost of transferring Councillors from their place of residence to the airport and return or meet the cost of taxi fares, whichever is the lesser amount.

Council shall meet the cost of transferring Councillors from the airport to the hotel and return at the conclusion of the conference, seminar or training course, such costs not to exceed the cost of taxi fares.

Should a Councillor be accommodated in a hotel not being the site of the conference, seminar or training course, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of the Councillor travelling from the hotel to the site of the conference, seminar or training course and return each day, such costs not to exceed the cost of taxi fares.

Where in conjunction with attendance at a conference, seminar or training course a Councillor visits another Council in the course of discharging the functions of civic office or to further knowledge of local government, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of transfer of the Councillor from the hotel to the Council premises visited and return, such costs not to exceed the cost of taxi fares.

Meals

Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course. Council shall also meet the reasonable cost of drinks accompanying the meals.

Bar Service

Council shall meet the cost of any expenses incurred at a bar located within the conference hotel or the accommodation hotel only when special guests have been invited for drinks at the request of the Mayor or the leader of Council's delegation.

Other costs

Council shall meet other reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, such as telephone or facsimile calls, refreshments, other meals, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees up to a maximum amount of \$69 per day.

Local Travel Arrangements, Attendance at Dinners and Other Non-Council Functions

Travelling expenses shall be paid for travel on official business of Council in the Sydney metropolitan area. Transport to and from the Council administration building or other sites for meetings when the Councillor's own mode of transport is not available may be provided. Councillors may, where necessary, be provided with a taxi voucher for transportation purposes on Council business.

Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines. Claims for reimbursement under this provision shall be supported with an explanation of the need for the travel in relation to official Council business.

Council shall meet the cost of Councillors' attendance at functions that are of a formal or ceremonial nature within the Sydney metropolitan area, including functions for charities, community service and sporting groups supported by Council or of which Council is a financial member. Council shall also meet the cost of Councillors' attendance at dinners and other non-council functions which provide briefings to Councillors from key members of the community, politicians and business where the function is relevant to Council's interest. Council shall meet the cost of any component of the ticket to the function that is a donation to a registered charity but shall not meet the cost of any component of the ticket that is a donation to a political party, candidate's electoral fund or other private benefit. Each Councillor is entitled to a maximum of \$1,147 per year of term for external payments in respect of the types of expenses described in this paragraph.

Council will also meet the cost of the Mayor or a Councillor representing the Mayor attending a function or carrying out a ceremonial duty when undertaking the role of the Mayor within New South Wales. This includes functions or award ceremonies for charities, community service and sporting groups to which the Mayor has been invited to attend. These expenses are limited to the ticket, meal and/or direct cost of attending the function.

Councillors are entitled to complimentary tickets to all Council functions and events.

Travel Outside the Sydney Metropolitan Area including Interstate and Overseas Travel

For any proposed travel by a Councillor on Council related business not otherwise addressed above, the approval of Council in non-confidential session of a Council meeting is required. Approval shall be granted subject to any conditions Council so determines. Council shall meet only those expenses that Council so determines.

Telecommunications Costs and Expenses

Council shall meet the cost of providing a telephone landline for any telephone/facsimile machine provided under this Policy. Council shall meet the cost of landline rental and all Council business outgoing calls, to a maximum cost of \$134 per month;

Council shall meet the cost of a mobile telephone either:

- a Council provided mobile telephone (including vehicle kit) and mobile telephone service to the value of \$1,340 for which Council shall pay rental and calls charged against that service, to a limit of \$268 per month for Council business calls and \$28 per month for incidental personal calls, provided that the number is available to be given out for general public information; or
- if the Councillor provides their own mobile telephone and mobile telephone service, Council shall reimburse the cost of rental plus the cost of those calls certified by the Councillor as being Council business calls charged against that service, to a limit of \$268 per month for calls.

In addition Council shall meet data costs in respect of smart devices (mobile telephones/iPads) up to a limit of 3GB per month per device. For Councillor-owned mobile telephones the amount payable by Council under this provision shall not exceed the amount paid under contracts entered into by Council for Council-owned mobile telephones.

Internet Expenses

Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor. Councillors have a choice between an ADSL or Cable fixed line broadband service (depending on availability) or a wireless broadband service and a USB modem.

Care and Other Related Expenses

Care of relatives

In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Act;

Relative, in relation to a person, means any of the following:

- a. *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- b. the spouse or de facto partner of the person or of a person referred to in paragraph (a).

Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever the Councillor is invited, or nominated by the General Manager or Mayor, to attend an official Council meeting or briefing.

Special requirements of Councillors

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

Insurance Expenses and Obligations

Council shall meet the cost of providing the following insurance cover for Councillors on a 24 hour basis while discharging the functions of civic office including attendance at meetings of external bodies as Council's representative:

- Public Liability insurance (for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions)
- Professional Indemnity insurance (for matters arising out of a Councillor's performance of their civic duties and/or exercise of their functions)
- Personal Accident insurance (while on Council business)
- Travel insurance (for approved interstate and overseas travel on Council business)
- Councillors and Officers Insurance (for matters arising out of a regulatory authority investigation such as ICAC while fulfilling their duties in good faith on behalf of Council)

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

Legal Expenses and Obligations

Council shall, if requested, indemnify or reimburse the reasonable legal expenses properly incurred of:

- a Councillor defending an action arising from the performance in good faith of a function under the Act, or

- 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
- and provided that the outcome of the legal proceedings is favourable to the Councillor.

Council shall, if requested, indemnify or reimburse the reasonable legal expenses properly incurred in respect of any inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative review body including:

1. Local Government Pecuniary Interest and Disciplinary Tribunal
2. Independent Commission Against Corruption
3. Office of the Ombudsman
4. Division of Local Government, Department of Premier and Cabinet
5. NSW Police Force
6. Director of Public Prosecutions
7. Council's Conduct Review Committee/Reviewer

provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a Councillor, legal costs shall only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the *Code of Conduct*. In the case of a pecuniary interest or misbehaviour matter legal costs shall only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs shall only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation 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.

Council shall not meet the legal costs of legal proceedings initiated by a Councillor in any circumstance.

Council shall not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council shall not meet any legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor.

The maximum amount payable by Council under this clause in respect of any one action is \$267,908. Council may obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that the Council is authorised to meet.

Any Councillor seeking to obtain any entitlement under this clause shall make written application to the General Manager and make this application prior to the legal expenses being incurred where possible. The General Manager shall refer the application to a Council Meeting with any advice and recommendations for determination by Council.

Additional Expenses for the Mayor

Allowances and expenses

An additional annual fee is paid to the Mayor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

In accordance with section 249 of the Act, should Council determine that an annual fee is to be paid to the Deputy Mayor, the Deputy Mayor's annual fee shall be deducted from the Mayor's annual fee.

This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

There are no other Mayoral allowances and expenses.

Provision of Facilities

General Provisions

Provision of Facilities Generally

Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Delivery Program and Operational Plan.

All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

Private Use of Equipment and Facilities

Councillors shall not generally obtain private benefit from the provision of equipment and facilities, including intellectual property. This includes receipt of a travel bonus or other benefit arising from a loyalty scheme. Councillors must avoid any action or situation that could create the appearance that Council resources are being used inappropriately.

However, incidental personal use of Council equipment and facilities may occur from time to time without requiring reimbursement of the cost by a Councillor. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

Unless otherwise authorised in this Policy, if a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities, materials, funds and services provided under this Policy shall not be used to produce election material or for any other political purposes, including political fundraising activities and events.

Equipment and Facilities for the Councillors

Equipment and Facilities for Councillors at home

Councillors may request to be provided with the following equipment and facilities for their use as a Councillor at home in relation to their duties as a Councillor (Refer to the Councillor Requisition form).

Computers/iPad

- A Laptop or Ipad including all relevant peripherals; and
- A multi-function device (if applicable)

Home Office Items Allowance

- An allowance to purchase general home office items (eg filing cabinet, bookshelf, etc) which may be purchased to the maximum value of \$1295 per council term.

Stationery

- Minor stationery items to a maximum cost of \$130 per council term
- Plain white paper – 5000 sheets each year of term
- 100 Christmas cards each year of term
- 500 business cards each year of term

Incidentals

- Name badge
- Security card to enable entry to Council's Administration Building
- Car parking stickers to enable the Councillor to park in any Council car park at any time for an unlimited period when discharging the functions of civic office. A list of Council's car parks shall be supplied also. No time restriction shall be imposed on an identified Councillor's private vehicle whilst parked in a parking space located at the Council administration building and the adjacent car parking area.
- Street directory
- A raincoat and one pair of protective footwear for site inspections during inclement weather
- Replacement consumables, such as tapes, inks and toner (not including paper) for the continued operation of the equipment provided to the Councillor

Equipment and Facilities at the Council Administration Building

Councillors shall also be provided with equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Councillors' Room and Resources

A room furnished for use by all Councillors shall be provided by Council. Included in the Councillors' Room shall be:

- A computer, printer and peripherals for use by all Councillors
- A website directory of relevant local government internet sites
- A technical library
- Councillors' robes for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided to support all Councillors. The Executive Assistant shall be responsible to the General Manager.

Correspondence Processing

Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office. Council shall provide letterhead for use by Councillors in replying to correspondence.

Council shall provide follow up procedures for correspondence by Councillors. Such follow-up for correspondence is to be carried out by the General Manager or delegate.

Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council. Correspondence received or created by Councillors will be dealt with in accordance with the Records Management Policy for Councillors.

Meals and Refreshments

Prior to, during or after Council, Forum and Committee meetings the Councillors shall be provided with a suitable meal including refreshments. The standard of the meal provided shall be determined by the Mayor in consultation with the General Manager.

Car Parking

- Three (3) car parking spaces shall be provided for Councillors in the Council car park at the Council administration building except on Committee meeting nights, public meetings and Council meeting nights when a further six (6) car parking spaces shall be allotted in the same car park.

Equipment and Other Items Required to be Returned

Upon election to office Councillors shall be provided with certain equipment and other items that shall be returned when the Councillor ceases to hold office. The following equipment and other items shall be provided under this clause:

- Laptop or Ipad including peripherals and software
- Apple iPhone - mobile telephone - (if applicable)
- Multifunction device (if applicable).
- Security card to enable entry to Council's administration building
- Car parking stickers to enable the Councillor to park in any Council car park at any time for an unlimited period when discharging the functions of civic office. A list of Council's car parks shall be supplied also. No time restriction shall be imposed on an identified Councillor's private vehicle whilst parked in a parking space located at the Council administration building and the adjacent car parking area.

Other Items Not Required to be Returned

Upon election to office and where applicable throughout the term of office Councillors shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Councillor ceases to hold office. The following items shall be provided under this clause:

- Name badge
- Minor items of stationery
- Christmas cards
- Business cards
- Corporate attire and presentation gifts for use in connection with civic functions, eg tie, scarf, spoon etc.
- Street directory
- Facsimile transmission sheets
- A raincoat and one pair of protective footwear for site inspections during inclement weather
- Replacement consumables, such as tapes, inks, and toner (not including paper) for the continued operation of the equipment provided in the 'Equipment and Facilities for Councillors' section of this policy.
- 5,000 sheets of plain white paper
- General Office Items purchased with the \$1295 allowance specified in the 'Equipment and Facilities for Councillors' section of this policy.

Additional Equipment and Facilities for the Mayor

Equipment and Facilities at the Council Administration Building

The Mayor shall be provided with additional equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Mayoral Office and resources

Council shall provide:

- A furnished office
- A computer, printer and peripherals
- Mayoral letterhead
- Mayoral robes for official, civic and ceremonial use
- Mayoral Chain of Office for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided with equivalent experience, responsibilities and skills to that of the General Manager's Executive Assistant. The Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.

Car parking

An allocated parking space shall be provided at the Council administration building.

Equipment and Other Items Required to be Returned

Upon election to office the Mayor may be provided with certain equipment and other items that shall be returned when the Mayor ceases to hold office. The following equipment and facilities shall be provided under this clause:

- Mayoral vehicle up to the standard of a Holden Statesman Caprice. The Mayoral vehicle shall be fully maintained by Council for the use by the Mayor for official, civic and ceremonial functions and appropriate use arising out of or in the course of the Mayor's official, civic and ceremonial functions. A petrol card shall be supplied to fuel the Mayoral vehicle at Council's cost for official use only.
- Mobile telephone costs additional to that provided under the 'Telecommunications Costs and Expenses' section. The call limits referred to in this section shall be increased by \$133 per month, making a total of \$401 per month.

Other Items Not Required to be Returned

Upon election to the office, and where applicable throughout the term of office, the Mayor shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Mayor ceases to hold office. In addition to those items listed for Councillors under clause 3.6 of this policy the following items are also not required to be returned:

- An additional 100 Christmas cards each year of mayoralty, making a total of 200 cards during each year of mayoralty

- An additional 250 Business cards each year of mayoralty, making a total of 750 cards during each year of mayoralty
- Additional corporate attire and presentation gifts eg Council ties, scarves, spoons, cuff links, etc for own use and presentations as appropriate and gifts suitable for younger persons.

Other Matters

Acquisition and Returning of Facilities and Equipment by Councillors

Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the depreciated value of the equipment as recorded in the Council's books of accounts at the time of ceasing to hold office if, in the opinion of the General Manager, the item is not required for Council purposes. This clause does not include a motor vehicle or any other item of equipment that is leased by Council.

Definitions

Term / Abbreviation	Definition
The Act	Local Government Act 1993
Year	Refers to the period from 1 July to the following 30 June.,
Councillor	Refers to all Councillors of Ku-ring-gai Council including the Mayor and Deputy Mayor
Year of Term	Refers to the twelve (12) month period commencing on the date of election to Council of a Councillor and every subsequent twelve (12) month period of the term of office.
Per Council Term	Refers to the four (4) year period that the Council was elected for.