



# NORTHERN BEACHES COUNCIL

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## **Policy for Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors**

November 2016

# Northern Beaches Council

## Policy No. NBC005

### Policy for Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors

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## 1. Introduction

This policy is made under the *Local Government Act 1993* (the Act) including Sections 252 to 254A. The Act requires that Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors.

In the event of Administration, application of this policy is also relevant to Council Administrators and former Mayor's, Deputy Mayor's and Councillors in their role as Implementation Advisory Group and Local Representation Committee members.

The Act requires Council to include in its annual report

- The total amount of money expended during the year on Mayoral fees and Councillor fees
- A statement as to the total amount of money expended during the year on the provision of facilities and the payment of expenses

Schedule 1 of the Government Information (Public Access) Regulation 2009 Clause (1)(h) provides that Information contained in the current version and the most recent previous version of a policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors, is prescribed as open access information. Members of the public may obtain a copy, either free of charge or on payment of reasonable copying charges.

## 2. Preliminary

### 2.1 Citation

This Policy may be cited as the Northern Beaches Council "*Policy for Payment of Expenses*".

### 2.2 Policy Objectives

- To provide for the fair and equitable payment and reimbursement of certain expenses not considered to be included in the annual fees payable under Sections 248-254A of the *Local Government Act 1993*, where such expenses are incurred by the Mayor, Deputy Mayor, Councillors or Administrator (where one is in place) in discharging the functions of civic office.
- To provide adequate facilities for use by the Mayor, Deputy Mayor, Councillors and Administrator to enable them to discharge the functions of civic office.

### 2.3 Commencement

This code was adopted by Council on 22 November 2016

### 2.4 General Provisions

#### Definitions/ Notes

**Administrator:** a person appointed by the State Government to act as 'the Council' (that being the Mayor and Councillors) for an interim period. This may be as a result of misconduct, amendments to the *Local Government Act 1993*, or the former Warringah, Pittwater and Manly Councils undergoing a process of amalgamation as proclaimed by the Local Government (Council Amalgamations) Proclamation 2016.

1. Where reference is made to the Mayor and/ or Councillors within this Policy, in times of Administration, this will be substituted with the reference Administrator.
2. Where reference is made to Office of the Mayor and Councillors within this Policy, in times of Administration, this will be substituted with the reference Office of the Administrator.

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**Implementation Advisory Group (IAG):** Committee established on 19 May 2016 via Council Resolution, as a result of the Local Government (Council Amalgamations) Proclamation 2016 to include former Mayor's, Deputy Mayor's and Councillors as appointed by the Administrator. The terms of reference adopted on 19 May 2016 stated:

*"Members of the IAG will be remunerated at a rate equal to their remuneration as a (former) Councillor or Mayor"*

**Local Representation Committee (LRC):** Committee(s), Economic, Social and Environment established on 19 May 2016 via Council Resolution, as a result of the Local Government (Council Amalgamations) Proclamation 2016 to include former Mayor's, Deputy Mayor's and Councillors as appointed by the Administrator. The terms of reference adopted on 19 May 2016 stated:

*"Members of the LRCs will be remunerated at a rate equal to their remuneration as a (former) Councillor or Mayor"*

**Note:** Former Councillors (including former Mayor's and Deputy Mayor's) who are members of the IAG or LRCs are entitled to claim expenses which are directly related to their role on the IAG and/ or LRCs, or when attendance at an event or function is to aid in the business of council and at the request of the Administrator where appropriate receipts/ tax invoices have been provided in accordance with this Policy.

**General Expenses:** General Expenses will not be paid to Councillors and the Administrator. Any expenses payable to Councillors are specifically listed in this policy, together with the procedures for payment/ reimbursement.

**Private Benefit:** The facilities provided to Councillors and the Administrator under this policy are made available to assist them in undertaking their civic duties. Accordingly, and unless otherwise provided for in this policy, Councillors and the Administrator should ensure that there is no more than incidental private use of these facilities.

**Political Purposes:** Council facilities, equipment and services provided under this policy are not to be used to produce election material or for any other political purposes.

**Political Fundraising:** The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to Councillors under this Policy in relation to supporting and/ or attending such activities and events.

**Approvals:** All approvals, requests for, and enquiries in relation to, expenses and facilities under this policy are to be directed in the first instance to Council's Executive Manager Governance and Enterprise Risk or their delegate. Where appropriate the Deputy General Manager Corporate Services will consult with the General Manager regarding application of the policy.

The Executive Manager Governance and Enterprise Risk or their delegate will approve travel, stationery, furniture, telephone, internet and out of pocket expenses, as well as any conference expenditure and conference associated expenses, where a conference has been approved either by Council, the Mayor in association with the General Manager or this Policy.

The Executive Manager Governance and Enterprise Risk will contact any Councillor in the event that they are nearing, or have overspent on any allowable limits (such as training or telephone) and appropriate systems will be put in place to recoup any overspend.

**Dispute Resolution:** Any disputes in relation to expenses and/ or facilities provided under this policy should be referred in the first instance to the Executive Manager

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Governance and Enterprise Risk. The General Manager may then refer to the Office of the Internal Ombudsman for independent review.

**Accessibility:** Where a Councillor has specific needs in relation to accessibility to Council facilities and the functions of civic office, additional assistance may be provided under this policy to ensure equity of access.

### 3. Annual Fees, Mayor, Deputy Mayor and Councillors

#### 3.1 Fees Payable to Councillors

The Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid, monthly in arrears, to a Councillor for the following year commencing 1st July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Clause 403 of the Regulations and any specific resolution of Council under Section 254A.

In accordance with the Australian Taxation Office Interpretive 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. Any request by a Councillor must be in writing and cannot be retrospective.

#### 3.2 Fees Payable to the Mayor

The Council shall, prior to 30 June each year, set by resolution, the annual fee to be paid, monthly in arrears, to the Mayor for the following year commencing 1st July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Clause 403 of the Regulations and any specific resolution of Council under section 254A.

Note: As a result of the Local Government (Council Amalgamations) Proclamation 2016, and their membership of the IAG and LRC, the fees paid to the former Mayor's, Deputy Mayor's and Councillors was determined as per the previous year, and is not linked to the Local Government Remuneration Tribunal until September 2017.

#### 3.3 Fees Payable to the Administrator

The Administrator will be paid a fee in accordance with the determination made by the Minister under Clause 12(5) and 5(1) of the Local Government (Council Amalgamations) Proclamation 2016.

### 4. Payment of Expenses for, and Reimbursement of Expenses and Provision of Facilities for the Mayor, Deputy Mayor and, Councillors

#### 4.1 Mayor

The Mayor shall be entitled to receive the benefit of the following facilities, and payment of and reimbursement of expenses, without reduction of the fees payable under Section 248 and/or 249 of the Act:

##### 4.1.1 Transport/ Mayoral Vehicle

###### Mayoral Vehicle

- a) For a weekly fee (paid by the Mayor) based on Council's Private Use Car Scheme standard vehicle rate\* a suitable and appropriate vehicle, (valued below the current luxury car tax threshold, as determined by the Australian Tax Office), fully maintained, insured and registered by the Council, for use by the Mayor for all official, executive and social duties connected with the Office of

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Mayor, and private and personal use in accordance with **Appendix A** to this Policy.

\* The Private Use Car Scheme standard vehicle rate is set at \$109 per week as at 1 July 2016 and is adjusted annually.

- b) Car Allowance – where the Mayor elects to provide his/her own vehicle for all functions related to the Office of Mayor for the Mayoral term and not require the provision of a Council vehicle as in (i) above, the Mayor is entitled to claim payment of a car allowance in accordance with Part 4 of this Policy
- c) Where the Deputy Mayor, at any time, is required to act in the Office of Mayor in accordance with Section 231 of the Act, the provisions of Part 4 of this Policy apply.
- d) Where there is an Administrator in place, they shall be provided with a Council vehicle for official use.

### 4.1.2 Office

Fully furnished accommodation will be provided within the relevant council office(s).

### 4.1.3 Executive Support Services

All Executive Support services are restricted to Council business, functions, meetings and publications. This may include diary and correspondence management, general administrative and project assistance.

### 4.1.4 Office and Reception

Refreshments will be provided for the Mayor and guests.

### 4.1.5 Mobile Telephone

A mobile phone will be provided for use in relation to official functions and duties of the Office of the Mayor. Council will meet the costs of maintenance and all charges against the mobile account. A car kit will be installed in the Council provided Mayoral car, or the Mayor's own car as provided in this Policy.

### 4.1.6 Corporate Credit Card

A corporate credit card in the name of the Council will be provided if the Mayor so chooses, to facilitate payment of official Council business expenses and expenditures provided for under the annual allocation for "discretionary expenditure" for the Office of the Mayor. The corporate credit card, shall be limited to \$5,000, and is to be used in situations where it is not reasonably possible to go through the Council's normal procedures for the ordering and/or payment for goods or services. Ongoing use of the credit card shall be in accordance with administrative requirements. Upon completion of the Mayoral term the credit card shall be returned to the General Manager on the date the term ceases.

### 4.1.7 Car Parking

A car space will be provided within the Executive area at the nominated Council Office for the use of the Mayor.

## 4.2 Councillors (including the Mayor and the Deputy Mayor)

To assist the Councillors in carrying out the duties of their civic office and without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act, Councillors are, if they request such, entitled to payment of expenses or reimbursement of the expenses, and to receive the benefit of the facilities in the following clauses:

### 4.2.1 Office

A Councillors' Office will be provided with suitably equipped with telephone, computer terminal, access to internet and email, facsimile and printer facilities for work directly

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related to the duties of their office. Councillors will be subject to the requirements of Council's internet and email Policy where access is through Council's corporate computer system.

### 4.2.2 Administration Support

The Office of the Mayor and Councillors will be provided certain administrative support. Such support is restricted to the provision of advice in relation to official functions and meetings including sending appointments, providing assistance with Councillor expenses, claims applications and bookings for attendance at seminars and conferences. Staff will also provide assistance with photocopying but this shall be restricted to small requests that relate to Council business, functions and meetings.

### 4.2.3 Stationary

Stationary will be provided with an annual limit of \$1,000 for the Mayor and \$500 for Councillors. The package may include items such as business cards, letterheads, envelopes, with compliments slips, Christmas cards (up to 300 cards for the Mayor and up to 150 cards for a Councillor and includes unlimited e-versions of the selected card), postage stamps and a diary.

### 4.2.4 Food and Refreshments

At approved Council functions and on evenings associated with Council and its Committee meetings, food and refreshments will be provided.

### 4.2.5 Clothing

The Mayor and Councillors will be provided (upon request) with Council approved corporate accessories on election to Office or when the design of these items varies, and *protective clothing and equipment is required for civic duty*.

### 4.2.6 Transport/ Councillors Vehicle/ Cabcharge

Councillors will be provided with access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with the office of Councillor. If approved by the General Manager, the Councillors may be issued with a Cab charge card. Cab charge cards are for use on Council business only, and when a Council vehicle is not reasonably available to provide such transport, or the provision of a vehicle would not be economical in the circumstances.

*Any traffic or parking fines incurred while travelling in private or Council vehicles on Council business is the sole responsibility of the Councillor or the driver incurring the fine.*

### 4.2.7 E-Tag

The Mayoral vehicle, and any Council vehicle provided to a Councillor for use on official duties connected with the office of Councillor, will be fitted with an E-tag. Where a Councillor uses their own vehicle, they will be required to claim any tolls associated with their official duties within three (3) months.

### 4.2.8 Furniture and Equipment

#### 4.2.8.1 Bookcase

A standard issue four (4) shelf bookcase will be provided upon request.

#### 4.2.8.2 Filing Cabinet

A standard four (4) drawer filing cabinet will be provided upon request.

#### 4.2.8.3 Printer/ Fax/ Copier/ Telephone

Will be provided for use for Council business, subject to the following conditions:



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1. Council shall:
  - i. Meet the capital cost of acquisition of the equipment.
  - ii. Meet the initial cost of installation of the equipment in the residence of the Councillor, including one (1) additional extension point for an existing line or one (1) separate point for a dedicated line where a Councillor chooses under Clause 4.2.9.
  - iii. Meet the cost of any maintenance/servicing of the equipment including any service call charge.
  - iv. Be responsible for the cost of all consumables of the equipment including up to x5 reams of paper per annum and up to x2 black ink cartridges and x1 set of colour ink cartridges per annum.
2. The Councillor shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.
3. The Councillors' telephone and facsimile numbers are to be made available to the public.

### 4.2.9 Domestic Telephone Service

Where a Councillor elects to, Council will provide for the installation of a telephone service, in the name of the Councillor, for use in relation to official functions and duties of Councillor, Mayor and Deputy Mayor, to allow for the connection of equipment provided under Clause 4.2.8.

### 4.2.10 Laptop/ iPad

A laptop and modem or an iPad or equivalent tablet will be provided, to enable internet access, email access, the ability to process correspondence and access to Council business papers, minutes, policies and other Council records and an iTunes or Gmail account allowing access to iTunes or Google Play and credit for applications to the value of \$40 in the first year and \$20 each year thereafter.

### 4.2.11 Internet Services

Internet access charges relating to the performance of a Councillor's civic duties will be paid by Council, up to a maximum of \$70 per month, per Councillor. Where a Councillor exceeds this amount, the difference between the maximum amount payable and the charges will need to be covered by the Councillor. Where Council is reimbursing a service already installed, Councillors will only be able to claim up to the maximum of \$70 per month.

### 4.2.12 Ownership and Damage

All equipment and furniture provided to by Council to Councillors shall remain in the possession of the Councillor during their term of office, and shall remain the property of Council and returned in good operational order and condition upon ceasing to be an elected member of Council.

Where items are lost or damaged requiring repairs, Council will replace or repair these items twice in their term of office. Further repairs and/or replacement will be at the cost of the Councillor.

### 4.2.13 Telephone Reimbursements

Reimbursement of the following telephone accounts, as nominated by the Councillor, on the following basis:

### 4.2.14 Standard Domestic Service

1. Councillors existing standard domestic service where no separate service is provided under Clause 4.2.9: Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.

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2. A domestic service provided under Clause 4.2.9: Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.
  - Councillors are to identify calls made for the purposes of carrying out their official duties and any claim for reimbursement shall be made within three (3) months of the account falling due. Claims made for reimbursement lodged after this date shall not be paid.

### 4.2.14.1 Mobile telephone Service

1. Councillors' own mobile telephone: Where Councillors already have a mobile telephone and wish to retain it for use in their civic duties, Council will cover the setup fee, and 50% of the contract cap fee per month to a maximum of \$75 per month; or alternatively
2. Council will provide a mobile telephone; to any Councillor who requests it. The account will be in the name of the Councillor. Council will cover the setup fee and reimburse the Councillor for the costs of all charges against that service, associated with their role as a Councillor, to a maximum of \$75 per month.  
Provided in respect of both clauses 4.2.13.1 and 4.2.13.2 that:
  - all telephone numbers in respect of which a claim is made are made available to the public, and
  - claims for reimbursements shall be made within three (3) months of the account falling due. Claims made for reimbursement lodged after this date shall not be paid.

### 4.2.15 Parking Sticker

For a nominated vehicle owned by the Councillor enabling exemption from parking fees at any car parks within the Northern Beaches Council area where exemption for residents apply.

### 4.2.16 Car Parking

Councillors will be provided with parking permits to park within Council's restricted operational parking spaces.

Note: Expenses between Clauses 4.2.1 and 4.2.15 of this Policy shall not exceed \$7000 per Councillor in any given year, with the exception of an election year, where new Councillors will receive all new equipment at once, and this limit will be increased to \$10,000 as a result of this new equipment Expenditure.

### 4.2.17 Glen Street Theatre Complimentary Tickets

Each calendar year the Mayor and Deputy Mayor (or their nominee) will receive 2 complimentary tickets to each opening night at Glen Street Theatre subscription season productions.

### 4.2.18 Care and Other Related Expenses

Reimbursement of the cost of carer arrangements, including childcare expenses and the care of the elderly, disabled and/or sick immediate family expenses and the care of the elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations including official scheduled Council inspections and attending Meetings of Council. Reimbursement, less any government subsidy will be subject to the presentation of the appropriate claim form and original receipts, attached to the approved form and will be at a maximum of \$2,000 per annum.

Reimbursement of the cost of carer arrangements will require evidence that the carer nominated is accredited by the appropriate government department and any claim

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must be submitted on the approved form and must include original receipts and tax invoices relating to the claim.

### **4.2.19 Training and Conference Budget (Including Travel and Accommodation)**

Council will provide training and education opportunities for Councillors as appropriate for the effective discharge of the function of civic office, functions and responsibilities, including a Councillor induction program and ongoing professional development.

In-house program expenses, including a Councillor induction program will be borne by Council outside of this clause. Where outside providers are utilised (as appropriate) and Councillors request to attend/ are sent to externally run courses, these will be covered under this training and conference budget clause.

Council will provide up to \$5,000 per Councillor per annum for all training, education and conference costs, including any incidental costs associated with Councillor attendance.

The only exceptions to this limit will be as follows:

1. For the Mayor, who is allowed to attend the Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) Conferences each year, over and above the allocated \$5,000 per Councillor limit.
2. For each Councillor who undertakes the Executive Certificate for Elected Members offered by Local Government NSW in conjunction with UTS, the Centre for Local Government and Tafe NSW – within the first 12 months of Civic Office, the cost of the course will be covered over and above the allocated \$5,000 per annum limit.

### **4.2.20 Attendance at Council Functions**

Where a Councillor attends a function on behalf of Council (i.e. on Council Business), Council will pay for the cost of attendance at that function. Where the attendee is the Mayor, and where the Mayor is invited to bring a guest (to be addressed in the invitation), the guest will also be covered.

### **4.2.21 Gifts and Benefits**

A Councillor must not:

- seek or accept a bribe or other improper inducement
- by virtue of his or her position, acquire a personal profit or advantage which has a monetary value, other than one of a token value.

A Councillor must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence a Councillor or staff member to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- otherwise deviate from the proper exercise of his or her official duties.

A Councillor may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on his or her part or that may not be perceived to be intended or likely to influence him or her in carrying out their public duty.

A Councillor must never accept an offer of money, regardless of the amount.

No matter the value, all gifts and benefits must be declared and the appropriate Gifts and Benefit Form associated with this is to be completed.

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For further information Councillors should consult Council's Code of Conduct.

### 4.2.22 Reporting

Council shall report separately (in their Annual Report), each year:

- The total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:
- The cost of phone calls including mobiles, home located landlines, facsimile and internet services
- Spouse/partner/accompanying person expenses
- Conference and seminar expenses
- Training and skill development expenses
- Interstate travel expenses
- Overseas travel expenses
- Care and other related expenses
- The cost of the provision, including rental, of dedicated office equipment allocated to councillors on a personal basis such as; laptops, mobile phones, telephones and facsimile machines and internet installed in the councillors homes. This item does not include the costs of using this equipment, such as calls.

The provision of facilities and equipment where such provision is above what would normally be required for the day to day running of the council.

## 5. Travel Costs, Use of Mayor and Councillors Private Vehicles

### 5.1 Mayor and Councillors

1. The Mayor, where he or she elects to use his or her private vehicle and Councillors, subject to their private vehicle being currently registered and covered by Compulsory Third Party Insurance, may claim a kilometre allowance for use of private vehicles when used by the most direct route to travel between their place of residence within the Northern Beaches local government area, and return, to:
  - i. attend meetings of the Council, Council Committees or Sub Committees and other appointments involving council business which may include; Working Parties, Taskforce, Forums or the like, as a Councillor or delegate of the Council; to attend any briefing, community consultation, appointments and engagements associated with the business of the Council, and attend to the transaction of Council business at the Civic Centre;
  - ii. attend inspections or business within or outside the Council area undertaken in accordance with a resolution of the Council;
  - iii. attend public meetings and civic functions convened by the Council or other community meetings where the Councillor has been invited to attend;
  - iv. attend any conference as defined in the policy, where use of the private vehicle is authorised by the Mayor;
  - v. attending a local event, dinner/ lunch or meeting by a local sporting, charitable or community organisation after receiving an official invitation as a Councillor to attend or as a result of a request to attend on behalf of the Mayor.

Provided that the Council shall not meet any claim for travel or costs of any kind associated with attendance at fund raising activities or rallies held by registered political parties or groups.

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Note: The official invitation and/ or email addressed to the Councillor must accompany any claim for reimbursement of travel as identified in part 1.v. above.

The maximum allowance payable for any one travel event shall be capped at \$100.00.

2. Kilometre rates for such travel will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to the Mayor or Councillor's own vehicle, and any loss of no claim bonus and any excess not covered by any insurance.

The current claimable rate for kilometres is \$0.68c per km for cars under 2.5L and \$0.78c per km for cars over 2.5L.

3. Payment is subject to a formal monthly claim on the prescribed claim form being lodged by the Mayor or Councillor, and such claim must be made no later than three (3) months after the travel occurred. Claims lodged for travel occurring more than three (3) months after the claim is lodged shall not be paid.
4. Where the Mayor provides his/her own form of transport under clause 4.1.1 the General Manager may approve of the payment of the minimum car allowance in accordance with the Local Government (State) Award in lieu of a kilometre allowance.
5. Where the Mayor and Councillors elect to use public transport for Council business, reimbursement of costs may be claimed.

The full cost of fares for public transport associated with Council business (as specified in 5.1 (5)) will be reimbursed subject to lodgement of a formal monthly claim. The claim must be made within three (3) months of the travel having occurred. Claims lodged after three (3) months shall not be paid.

## 6. Conferences held in Australia

In this part Conference means any conference, seminar, congress, forum, workshop, course, meeting, deputation, information and training session or event, related to the industry of local government and held within Australia.

### 6.1 Who may Attend Conferences

1. The Mayor and Councillors may be nominated and authorised to attend conferences by:
  - i. The Mayor, acting within any delegated authority during Council recess;
  - ii. The Mayor and the General Manager jointly, or, where the applicant is the Mayor, the Deputy Mayor/ one other Councillor and the General Manager jointly\*.
  - iii. Where the applicant is the Administrator, the General Manager.

*\* ii. will be subject to the Councillor wishing to attend a conference submitting their request in writing to the Mayor and General Manager outlining the benefits of their attendance to Council.*
2. By the adoption of this Policy, authority is hereby delegated to the Mayor and General Manager jointly to nominate and authorise a substitute Councillor to attend any conference in lieu of the Mayor or a nominated and authorised Councillor.
3. The application for approval shall include full details of the travel, including itinerary, costs and reasons for the travel.

### 6.2 What Conferences may be Attended

The conferences to which this policy applies shall generally be confined to:

- Local Government NSW (LGNSW), Local Government Women's Association (LGWA), and Australian Local Government Association (ALGA) Conferences

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- Special “one-off” conferences called or sponsored by, or for, the LGNSW, LGWA, LGMA, and ALGA on important issues
- Annual conferences of the Local Government Professionals Australia (LGPA) and the major Professions in Local Government
- Australian Sister Cities Conference
- Regional Organisation of Councils Conferences
- Annual Coastal Conference
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council’s functions
- Meetings or Conferences of Organisations or Bodies to which a Councillor of the Council has been elected, or appointed as a delegate or member of the Council, or LGNSW, LGWA, or ALGA

After returning from an approved conference, Councillors shall submit a written report to a full meeting of the Council on the aspects of the conference relevant to Council business and/or the local community.

### 6.3 Conference Costs

The following shall apply to the Mayor and Councillors who are authorised and/or appointed as delegates under this Policy to attend Conferences:

#### 6.3.1 Registration

The Council will pay all normal registration costs for the Mayor or Councillors/delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

#### 6.3.2 Accommodation

The Council will pay reasonable single accommodation costs for the Mayor or Councillors including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

#### 6.3.3 Travel

1. The Council will meet all reasonable travel costs for the Mayor, or authorised Councillors or delegates, to and from the conference location and venue. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
2. Where trains are used the Council will provide first class travel, including sleeping berths where available.
3. Where travel is by motor vehicle it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the Executive Manager Governance and Enterprise Risk or General Manager.
4. Where the Mayor or a Councillor uses their private vehicle under (c) above, they may claim the “kilometre” allowance at the date of travel as per Clause 5.1(2), subject to such cost not exceeding economy class air fares to and from the particular destination, and subject further to;
  - i. the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the conference
  - ii. the claim, on the prescribed claim form, must be made not later than three (3) months after the conclusion of the Conference.
5. Where hire cars, taxi fares and parking costs are reasonably required and incurred in attending conferences, the cost of such will be reimbursed by the Council to the Councillor upon presentation upon presentation of the appropriate claim form and original receipts.

### 6.3.4 Out of Pocket Expenses

Reasonable out-of-pocket or incidental expenses incurred by the Mayor or a Councillor and associated with attendance at a conference, seminars or training courses shall be reimbursed upon presentation of the appropriate claim form and original receipts within three (3) months of their attendance for the following:

1. any hotel/motel conference related charges associated with the Conference, other than accommodation
2. all telephone, internet or facsimile calls related to Council business
3. reasonable lunches, dinners and other meals incurred whilst travelling to or from the Conference and other lunches, dinners or meals occurring during the Conference but not included in the conference registration fee up to a daily limit of \$100
4. incidental expenses including:
  - i. Taxi fares, parking fees, bridge tolls
  - ii. Refreshments
  - iii. Newspapers
  - iv. Laundry and dry cleaning
5. any optional activity in a conference program, but excluding any pre or post conference activities.

Where requested by a Councillor, consideration will be given to the provision of an advance payment of up to \$200 to cover anticipated out-of-pocket expenses. Following attendance at a conference (and no more than three (3) months after the conference concludes) the advance payment must be fully reconciled with receipts for costs associated with (1) – (5) above.

### 6.3.5 Frequent Flyer Loyalty Programs/ Points

The Mayor and Councillors shall not be entitled to claim frequent flyer or other loyalty points relating to air travel or other expenses incurred by them under this policy. In circumstances where the Mayor or a Councillor has no option but to incur any expenditure for which loyalty points accrue to his/her personal account, the Mayor or Councillor must surrender the points to the airline or service provider before reimbursement of the expense by the Council.

### 6.3.6 When a Councillor Spends Over Their Budget

Where a Councillor spends over their allocated budget they will be required to reimburse Council for this overspend. Councillors will be notified by the Deputy General Manager Corporate Services in any given month if there has been an overspend related to phone and/ or internet expenses, and any other expenses that council manages where possible. In relation to training and conferences the Deputy General Manager Corporate Services will advise Councillors when they are nearing their annual limit.

Councillors will be requested to reimburse any overspend; either by that Councillor authorising Council to withhold any overspend from their Councillor fees (this must be in writing) or through direct payment/ reimbursement to Council through customer service. Any overspend should be reimbursed within three (3) months of incurring it.

### 6.3.7 Conference Costs, Payment in Advance

The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance. This is subject to the provisions in Clause 4.2.18.

### 6.3.8 Conference Costs, Mayor and Councillors/ Delegates or Accompanying Persons

1. Where the Mayor or Councillor is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, any additional

accommodation costs, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Mayor/Councillor/accompanying person and not by the Council. Council may by resolution, and in exceptional circumstances, pay the expenses of a spouse/partner/carer while travelling on Council business. Exceptional circumstances would only be where the Councillor is prevented by health reasons from travelling alone.

2. Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc. with any Council delegates' registration.
3. Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

## **7. Conferences Overseas**

### **7.1 Attendance At Overseas Conferences**

1. Attendance by the Mayor or a Councillor at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events, etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the Council and such resolution shall specify and detail the conditions of attendance.
2. Attendance will only be approved where direct and tangible benefits can be established for the Council and the local community.
3. Requests for attendance for overseas travel must be submitted by a report to Council, included on the Council agenda (not by mayoral minute ) and shall include the names of Councillors nominated to attend, purpose, expected benefits, duration, itinerary and approximate total costs.
4. After returning from overseas, Councillors attending shall submit to a full meeting of Council a detailed written report on the aspects of the trip relevant to Council business and/or the local community.
5. Details of overseas travel must be included in Council's annual report, including any details of trips for sister city relationships.

## **8. Legal Assistance for the Mayor and Councillors**

### **8.1 Legal and Representation Costs - Enquiries, Investigations, Hearings, etc.**

In the event of:

Any enquiry, investigation or hearing by any of:

- the Independent Commission Against Corruption,
- the Office of the NSW Ombudsman,
- the Office of Local Government
- the NSW, Department of Premier and Cabinet
- the NSW Police Force,
- the Director of Public Prosecutions,
- the Local Government Pecuniary Interest and Disciplinary Tribunal, or
- Council's Conduct Review Committee/Reviewer
- Other legally constituted investigatory bodies having proper jurisdiction

into the conduct of the Mayor or a Councillor in discharging their civic office duties; or legal proceedings being taken against the Mayor or a Councillor, arising out of or in connection



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with the performance of his or her civic duties or exercise of his or her functions as a Mayor or Councillor.

The Council may resolve to reimburse the Mayor or such Councillor for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

Provided that:

- i. 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 investigative phase to a formal investigation or review;
- ii. in the case of a conduct complaint made against a councillor, legal costs may only be made available where the matter has been referred by the General Manager to the Conduct Review Committee/Conduct Reviewer to make formal inquiries into the matter;
- iii. in the case of pecuniary interest or misbehaviour matters, legal costs may only be made available where a formal investigation has been commenced by the Office of Local Government;
- iv. the amount of any reimbursement of legal expenses shall be reduced by the amount of any moneys that may be or are recouped by the Mayor or Councillor on any basis;
- v. that the enquiry investigation, hearing or proceeding results in a finding substantially favourable to the Mayor or Councillor;
- vi. where an outcome of an action or investigation against the Mayor or Councillor is substantially unfavourable to that Councillor any legal expenses must be reimbursed by the Councillor;
- vii. any payment for reimbursement of any legal expenses properly incurred is subject to the approval of the Deputy General Manager Corporate Services and the Council prior to payment;
- viii. The Council at its discretion may, set a limit to the total amount of reimbursement it is prepared to approve in respect of any inquiry, investigation, hearing or proceedings being taken against a Councillor.

This policy specifically excludes the payment of legal expenses for the Mayor or Councillors where:

- i. the Mayor or Councillor initiates a legal action;
- ii. the outcome of an action or investigation against the Mayor or Councillor is substantially unfavourable to that Councillor;
- iii. the Mayor or Councillor seeks advice in respect of possible defamation, or is seeking non-litigious remedy for possible defamation.

## 9. Insurances and Health Maintenance and Assessment Programs

### 9.1 Insurance – Mayor and Councillors

The Council will insure, or will provide for the insurance of the Mayor and Councillors for:

#### 9.1.1 Personal Accident

Personal injury whilst ever engaged in or on any Council activity, worldwide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death determined by the Council and also covering permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses as medical expenses cannot be included due to the provisions set down in the Health Act. The Council shall determine the distribution of any benefits arising from such insurance to the Mayor or Councillor or his/her beneficiaries.

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### 9.1.2 Professional Indemnity/Public Liability

#### 9.1.2.1 General Liability

To indemnify the insured for all sums they shall become legally liable to pay arising out of:

- i. death, personal injury or illness or disease to persons;
- ii. loss or damage to property arising out of the insured's business as a Council.

#### 9.1.2.2 Professional Indemnity

To indemnify the insured for all sums they shall be legally liable for arising out of any negligent act, error or omissions in the conduct of their activities as Mayor or Councillors and arising out of the insured's business as a Council. BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council, taken out.

To indemnify each insured person(s) (Mayor/Councillors) for all costs, charges, expenses and defence costs but excluding fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any wrongful act wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.

### 9.1.3 Health and Wellbeing Services

The Mayor Councillors will have access to Council's relevant Employee Assistance Program.

## **APPENDIX A**

### **Provision & Use of a Mayoral Vehicle**

#### **1. Introduction**

The Council's adopted Code for the Payment of Expenses & Provision of Facilities for the Mayor and Councillors stipulates that the Council will provide a suitable and appropriate vehicle for use by the Mayor for all official, executive and social duties connected with the office of Mayor and for occasional or full private or personal use.

The Council cannot 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.

#### **2. Policy statement**

2.1 The Council will:

- provide servicing, maintenance, registration and insurance of a suitable vehicle,
- provide all fuel, which may be charged against fuel card, whilst the vehicle is used for Council business

2.2 The vehicle will be registered and comprehensively insured by the Northern Beaches Council.

2.3 A car telephone and special accessories where required, shall be provided, fitted, installed and removed at Council's cost.

2.4 The vehicle shall be available for the exclusive use of the Mayor, and where available by any Councillor attending council business and as approved by the Mayor subject to the conditions of this Policy.

#### **3. Principles**

3.1 Use of Vehicle

A vehicle is made available for use by the Mayor:

- To attend any function, activity or engagement whether associated with local government or not, both within and outside the Northern Beaches Council area, at any time and on any day, in the official capacity of Mayor.
- At any time or day to attend any meetings, inspections, sites or appointments within the Northern Beaches as Mayor, with residents, ratepayers or people associated with Council business.
- For occasional or full personal or private use. Where private or personal use is on an occasional basis, the Mayoral Allowance will be reduced on a per kilometre basis, by the rate set by the Local Government (State) Award, and in accordance with a log submitted by the Mayor on a monthly basis. Where full private or personal use is chosen, the Mayoral Allowance will be reduced, in accordance with the Light Vehicle Allocation and Private Use Car Scheme Management Policy, MGT – PL 105 (Clause 2.1 – Contract Staff – TPR Calculation).
- For travel within the Northern Beaches for any Council related purpose or function.

3.2 Restrictions on Use of Vehicle

The following restriction shall apply to the use of the Mayoral vehicle:

- (a) The vehicle shall only be driven by a properly licensed person, being:
- The Mayor, or
  - Council employee, or

- a Councillor of the Northern Beaches, with the Mayor's consent
  - a member of the Mayor's immediate family, e.g. mother/father/son/daughter/brother /sister, partner/spouse, or
  - a nominated person, so long as the Mayor is a passenger in the car.
- (b) The Mayor shall not use, or allow the vehicle to be used, to compete in any car rally or competition.
- (c) The vehicle is not to be used for any trading undertaking or for any activity where remuneration is received which is not directly related to Council business or activities of the office of Mayor.

### 3.3 Conditions of Use of Mayoral Vehicle

- (a) The Mayor, if he/she intends to drive the vehicle, must show evidence of a current New South Wales driver's licence of an appropriate class, or equivalent, and be the holder of a licence for the duration of their use of the vehicle. If the Mayor loses his/her licence or is suspended from driving, they must immediately:
- forfeit use of or access to the Mayoral vehicle, or
  - provide evidence of a properly licensed person who will be the driver of the vehicle whenever used by the Mayor during such period.
- (b) Whenever the Mayor has the control of the vehicle, the Mayor must ensure that it is driven only by a responsible properly licensed person as above.
- (c) If the Mayor drives, or allows another person to drive the vehicle without a current driver's licence, or whilst disqualified for any reason, the Council may withdraw the vehicle from access by the Mayor.
- (d) All traffic fines and penalties incurred by the Mayoral vehicle will be paid by the driver. The Mayor must keep a record of any drivers of the vehicle, other than the Mayor, whom the Mayor permits to drive the vehicle.
- (e) If the Mayor or a properly licensed person, by their action, negates any motor vehicle insurance, that person will be responsible for the payment of costs as a consequence thereof.
- (f) The Mayor always remains responsible for ensuring proper and adequate care and usage of the vehicle at all times including:
- day to day routine maintenance e.g. fuel, oil, battery, radiator, tyre pressures etc. is carried out at regular intervals,
  - garaging, i.e. if available off-street and under cover,
  - the vehicle is kept in a clean condition, by making it available to Council staff weekly for this purpose,
  - all maintenance/repair issues are reported to Fleet Management without delay,
  - that any accident or damage to the vehicle is immediately reported using the appropriate Accident Report Form
  - If the Mayor or a properly licensed person, whilst driving the vehicle, is convicted of drink-driving or an offence leading to licence suspension or loss in association with an accident involving the Mayoral vehicle, the Mayor will be required to pay the cost of associated repairs in the event that Council's insurers disclaim responsibilities on the grounds of such conviction, suspension or loss.

## 4. Definitions

"Nominated person" means the holder of a current NSW driver's licence who is nominated by the Mayor, in writing to the General Manager, as a person who may regularly drive the Mayoral Vehicle whilst the Mayor is a passenger in the vehicle.

**APPENDIX B****1.1 Provisions under the Local Government Act 1993****1.1.1 General policy-making requirements**

Section 252 of the Local Government Act requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the Act) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Regulation and any relevant guidelines issued under section 23A of the Act (these guidelines).

Section 252 (Payment of expenses and provision of facilities) states:

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

**1.1.2 Policy development, review and submission requirements**

Section 253 of the Act specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended. It requires councils to make and submit their expenses and provision of facilities policies annually to the Office of Local Government.

Section 253 (Public notice of proposed policy or amendments concerning expenses and facilities) states:

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
- (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
  - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 of the Act requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

### 1.1.3 The role of a councillor

Section 232 of the Local Government Act defines the role of a councillor. It provides that councillors have two distinct roles; as a member of the governing body of the council; and as an elected person. Councils as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. Councillor expenses and facilities policies should facilitate and assist councillors to carry out their role.

Section 232 (What is the role of a councillor?) states:

- (1) *The role of a councillor is, as a member of the governing body of the council:*
- *to direct and control the affairs of the council in accordance with this Act*
  - *to participate in the optimum allocation of the council's resources for the benefit of the area*
  - *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
  - *to review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.*
- (2) *The role of a councillor is, as an elected person:*
- *to represent the interests of the residents and ratepayers*
  - *to provide leadership and guidance to the community*
  - *to facilitate communication between the community and the council.*

### 1.1.4 Other requirements

Schedule 1 of the Government Information (Public Access) Regulation 2009 Clause (1)(h) provides that Information contained in the current version and the most recent previous version of a policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors, is prescribed as open access information. Members of the public may obtain a copy, either free of charge or on payment of reasonable copying charges.

Section 23A makes provision for the Departmental Chief Executive to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

## 1.2 Provisions under the Local Government (General) Regulation 2005

Clause 271 of the Regulation requires councils to include detailed information in their annual reports about the payment of expenses and facilities to councillors.

Clause 217 (Additional information for inclusion in annual reports) states in part:

- (1) *For the purposes of section 428 (2) (r) of the Act, an annual report of a council is to include the following information:*
- (a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),*
  - (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
    - (i) *the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
    - (ii) *telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
    - (iii) *the attendance of councillors at conferences and seminars,*
    - (iv) *the training of councillors and the provision of skill development for councillors,*
    - (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
    - (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
    - (vii) *the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
    - (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

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

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

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

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

### 1.3 Other NSW Government policy provisions

#### 1.3.1 Office of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

#### 1.3.2 Circulars to Councils

The policy must take into account the following Circulars.

Circular 08/24 *Misuse of council resources.*

Circular 08/37 *Council decision making prior to ordinary elections*

As previously stated, these guidelines replace any previous versions of these Guidelines and Circular 04/60 *Policy on payment of facilities to the mayor, deputy mayor and other councillors.*

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

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

##### Use of council resources (pp 17)

- 7.12 *You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*
- 7.14 *You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.*
- 7.15 *You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.*
- 7.16 *You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.*
- 7.18 *You must not convert any property of the council to your own use unless properly authorised.*

#### 1.3.4 Councillor Induction and Professional Development Guide (OLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the council. The Office has produced a *Councillor Induction and Professional Development Guide – A Guide for Councils* (2012) to assist councils to develop these programs.

#### 1.3.5 No Excuse for Misuse, preventing the misuse of council resources (ICAC)



Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)* November 2002. This publication is available on the ICAC website in at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au).

**APPENDIX C****POLICY****Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors****1. Purpose of Policy**

This Policy is made under the *Local Government Act 1993* (the Act) including Sections 252 to 254A (see Appendix B.) The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors.

**2. Principles**

- To provide for the fair and equitable payment and reimbursement of certain expenses not considered to be included in the annual fees payable under Sections 248-254A of the Local Government Act, where such expenses are incurred by the Mayor, Deputy Mayor, Councillors or Administrator (where one is in place) in discharging the functions of civic office.
- To provide adequate facilities for use by the Mayor, Deputy Mayor, Councillors and Administrator to enable them to discharge the functions of civic office.

See Attachment A for further principles.

**3. Authorisation**

This Policy was adopted by Council on 22 November 2016.

It is due for review within the first 12 months of each term of a council *Local Government Amendment Act (Governance and Planning) 2016*, Section 252.

**4. Amendments**

Revision	Date	Change	TRIM Ref
1	27/09/2016	First (draft) Northern Beaches Council Policy for Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors for public exhibition	2016/314096
2	22/11/2016	Addition of Clause 4.2.17 after Public Exhibition	2016/375920

**5. Whose is Responsible for Implementing this Policy?**

Deputy General Manager Corporate Services

**6. Document Owner**

General Manager

**7. Related Council Documents**

Nil

**8. Legislation and References**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- Division of Local Government (DLG), Department of Premier and Cabinet (now the OLG) – Guidelines for the Payment of Expenses and the Provision of Facilities to the Mayors and Councillors in NSW, October 2009

- *Local Government (Council Amalgamations) Proclamation 2016*