



ORDINARY MEETING OF COUNCIL SUPPLEMENTARY ITEMS

To be held at 5pm on

Tuesday 16 September 2014

Council Chambers

11 Manning Street, KIAMA NSW 2533

Members

His Worship the Mayor

Councillor B Petschler

Councillor N Reilly

Deputy Mayor

Councillor M Honey

Councillor G McClure

Councillor K Rice

Councillor D Seage

Councillor A Sloan

Councillor W Steel

Councillor M Way

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16 ADDENDUM TO REPORTS

16.1 23rd NSW Coastal Conference 2014

Responsible Director: Office of the General Manager

Councillors are advised that the 23rd NSW Coastal Conference 2014 is to be held from 11-14 November 2014. This year's conference will be hosted by Shoalhaven City Council and will be held at Ulladulla Civic Centre, Ulladulla.

The Conference is the leading NSW conference on coastal management with representatives from councils, State and Federal agencies and Research and Tertiary Institutions in attendance.

A copy of the program and registration form has been circulated to Councillors.

Council will need to determine the attendance of Councillors at the NSW Coastal Conference.

Enclosures

- 1 23rd NSW Coastal Conference Program
- 2 23rd NSW Coastal Conference Registration Form

16.2 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts Taskforce

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of the NSW Government response to the recommendations of the Independent Local Government Review Panel and Local Government Acts Taskforce

Finance

The NSW Government is proposing funding assistance to councils to become fit for the future.

Policy

Council has previously opposed forced amalgamations.

Attachments

Nil

Enclosures

- 1 Circular - Government response to the Independent Local Government Review Panel and Local Government Acts Taskforce
- 2 Pilot EOI Criteria

RECOMMENDATION

That:-

- 1) Council note the Office of Local Government circular and the NSW Government response to the Independent Local Government Review Panel and Local Government Acts Taskforce;
- 2) Council advise of its interest to participate in the pilot program for the establishment of joint organisation of councils;
- 3) Council raise concern regarding the shifting of financial assistance grants to councils with the greatest need. This action may disadvantage councils that have been more efficient and responsible in the past and also lead to further deterioration of the financial sustainability of councils generally.

Report of the General Manager

16.2 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts Taskforce (cont)

BACKGROUND

On 10 September 2014 the Minister for Local Government and Premier announced funding of up to \$1 billion for local government in NSW, to help strengthen communities and ensure councils are "Fit for the Future". The announcement was part of the NSW Government response to the Independent Local Government Review Panel and Local Government Acts Taskforce recommendations.

A copy of the Office of Local Government circular that accompanied the announcement has been circulated to Councillors. Key points made in the circular and associated material are as follows:-

- Councils in NSW, other than those in the Far West, are asked to submit a proposal by 30 June 2015 outlining plans to become "Fit for the Future".
- Councils will be determined to be "Fit for the Future" by an independent panel having regard to:-
 - 1) The structure and amalgamation of councils proposed by the Independent Local Government Review Panel;
 - 2) Financial sustainability;
 - 3) Effective infrastructure and service;
 - 4) Efficiency;
 - 5) The scale and capacity to engage effectively across community, industry and government.

As Kiama Municipal Council has not been identified in the Independent Local Government Review Panel Report for potential amalgamation, it is understood that Council's "Fit for Future" proposal would not need to address the structural/amalgamation issue.

- "Fit for the Future" councils will have access to significant funding and support to make the structural changes necessary and benefits including:
 - access to a State borrowing facility;
 - access to a streamlined IPART process for setting rates;
 - priority access to State funding and other grants;
 - more flexibility with procurement;
 - simplified reporting; and
 - eligibility for additional planning powers.
- The Government has also announced changes to the system of local government including:
 - a new Local Government Act to be phased in from 2016/17 that will focus on Integrated Planning and Reporting;
 - a new role for the NSW Auditor-General;
 - a review of the rating system;

Report of the General Manager

16.2 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts Taskforce (cont)

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- greater clarity on the roles and responsibilities of mayors and general managers;
 - a review of the regulatory burden on councils; and
 - the election of Mayors for a minimum of 2 years.
- The NSW Government is also considering opportunities to direct financial assistance grants to communities with the greatest need.

The NSW Government is also proposing the establishment of joint organisations of councils by September 2016 and is seeking expressions of interest from adjoining councils on piloting a joint organisation of councils. Council has previously endorsed participating in a joint organisation of councils comprising Wollongong City Council, Shellharbour City Council, Shoalhaven City Council and Kiama Municipal Council which is likely to eventually replace the Southern Councils Group.

As the expressions of interest are due within the next couple of weeks, Kiama Council should indicate whether it wishes to be part of a pilot project. The NSW Government is providing \$300,000 to assist in the pilot program.

The Mayor and General Manager are attending a meeting with the Office of Local Government on Monday 15 September 2014 following which further information will be provided.

16.3 Payment of Expenses and Provision of Facilities

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report recommends that Council confirm the payment of expenses and provision of facilities policy adopted by Council at its meeting on 4 February 2014.

Finance

This policy concerns payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and other councillors in relation to discharging their functions.

Policy

Under Section 252 of the Local Government Act, the policy is required to be adopted by Council.

Attachments

- 1 Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Other Councillors

Enclosures

Nil

RECOMMENDATION

[That Council confirm the payment of expenses and provision of facilities policy.](#)

BACKGROUND

At its meeting on 4 February 2014, Council adopted the attached policy on the payment of expenses and provision of facilities to the Mayor, Deputy Mayor and other Councillors.

Under Section 252 of the Local Government Act, the policy is required to be again adopted by Council. Council is also required to give public notice of its intention to adopt the policy allowing at least 28 days for the making of public submissions.



POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND OTHER COUNCILLORS

PART 1 - INTRODUCTION

1.1 Purpose of Policy:

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

1.2 Policy Objectives:

- 1) To comply with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993.
- 2) To ensure that Councillors are reimbursed for all expenses legitimately incurred in performing the role of Councillor.
- 3) To establish clear guidelines regarding the provision of facilities and equipment to Councillors and the permitted use of such facilities and equipment.
- 4) To provide for facilities and equipment to be made available to the Councillors.
- 5) To promote participation, equity and access.
- 6) To ensure accountability and transparency.

1.3 Making and Adoption of the Policy

This policy was prepared in accordance with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993 as amended.

This policy was placed on public exhibition for a minimum of 28 days. Following the consideration of public submissions by Council the policy was adopted.

1.4 Reporting Requirements

Section 428 of the Local Government Act 1993 requires Councils to include in their annual report:-

- the Council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors;
- the total amount of money expended during the year on providing those facilities and paying those expenses;
- additional information as required by the Local Government (General) Regulation 2005.

1.5 Legislative Provisions

a) Provisions under the Local Government Act 1993

Recent changes to sections 252(5) and 253 of the Local Government Act 1993, made by the Local Government Amendment Act 2005, require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the Local Government Act 1993 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 Local Government Act 1993) 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 Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

Section 252 states:-

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

Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.

Section 253 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 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.

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government 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.

Section 428(2)(f) requires a council to include in its annual report:-

The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

In addition Section 428(r) requires that councils must report on any other information required by the regulations.

Section 439 of the Act requires every Councillor, member of staff of a Council and delegate of a Council to act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under the Local Government Act or any other Act.

b) Provisions under the Local Government (General) Regulation 2005

Note that changed reporting requirements are to be made under an amendment to clause 217 of the above regulation to allow different reporting arrangements in the annual report.

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 representing the council (including visits sponsored by other organisations),*

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.*

1.6 Other Government Policy Provisions

a) Department 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.

b) Department of Local Government Circulars to Councils

The policy must take into account the following Circulars.

- Circular 05/08 Legal assistance for councillors and council employees.
- Circular 02/34 Unauthorised use of council resources.

c) The Model Code of Conduct for Local Councils in NSW

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – December 2004*. The following parts of the code are particularly relevant to s252 policies:-

Use of council resources (pp 23-24)

- 9.14 *You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional 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.*
- 9.16 *You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 9.17 *You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.*
- 9.18 *The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.*
- 9.19 *You must not convert any property of the council to your own use unless properly authorised.*

d) ICAC Publication - No Excuse for Misuse, preventing the misuse of council resources

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.

1.7 Definitions

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

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

Functions of civic office/civic functions: Functions that Councillors 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 for the local government area. Kiama Municipal Council Councillors-Expenses & Facilities Page 7 Adopted by Council: 18 October 2011 Last Reviewed: 17 November 2013 Next Review: November 2014

1.8 Approval Arrangements

Approval for discretionary trips and attendance at conferences, seminars, training courses and the like shall be, where possible, approved by a full meeting of the Council. If this is not possible then the approval shall be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of Council meetings it shall be given jointly by the Deputy Mayor or another Councillor (if there is not a Deputy Mayor) and the General Manager. Travel outside the State of New South Wales requires approval by a full meeting of the Council. The travel proposal shall be included in the Council business paper.

If any dispute arises about the provision of expenses and facilities the disputed decision will be referred to full Council for determination.

1.9 Private Benefit

Councillors shall not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonuses or any other such loyalty schemes. However it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

1.10 Annual Fees

This policy excludes annual fees paid to the Mayor, Deputy Mayor and Councillors under Sections 248-251 inclusive of the Local Government Act 1993.

1.11 General Expense Allowances

General expense allowances will not be paid.

1.12 Administrators

The adopted expenses and facilities policy will apply to an Administrator if appointed to Council.

PART 2 - PAYMENT OF EXPENSES

2.1 General Provisions

- (a) Reimbursement of Councillors will only be made on the basis of actual expenses incurred in performing the duties of Councillor, a delegate or representing Council (as requested by the Mayor) as authorised by Council. Such expenses do not include those incurred as a result of anything other than Council business. A reimbursement of expenses to a maximum of \$65 daily will be paid for each day a Councillor is absent from the Municipality on Council approved civic duties, including conferences, seminars, training and educational courses. Councillor training is an area of priority and Council will meet reasonable expenses incurred by Councillors in undertaking appropriate training including the course cost, travelling expenses, accommodation costs and out of pocket expenses up to a maximum of \$65.00.

If a Councillor, due to extenuating circumstances, is unable to meet the expected out of pocket expenses to be incurred when attending approved civic duties including conferences, seminars, training and education courses, an out of pocket allowance may be paid in advance at a maximum of \$65 for each day that a Councillor is absent from the municipality subject to the approval of the Mayor and General Manager. The Councillor must provide documentary evidence of appropriate expenditure incurred and reimburse Council for any out of pocket funds not expended. This out of pocket allowance amount will be reviewed annually.

- (b) A mileage allowance for the use of a Councillor's private vehicle shall be paid to each Councillor when performing a function authorised by this policy, subject to this being the most effective mode of transport available.
- (c) All claims for reimbursement must be made on the prescribed form and must be sufficiently detailed and/or accompanied by appropriate documentary evidence. All claims for reimbursement must be made within six (6) months of the expense.

Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required Councillors are to certify that the expenditure was for the purpose intended.

- (d) In respect of the position of Mayor (and Deputy Mayor or Councillor when representing the Mayor), Council shall pay the cost of the elected member and their spouse, partner or accompanying person attending a function in an official capacity within New South Wales.

Council shall meet the reasonable costs of Councillors spouses, partners or accompanying person for attendance at official Kiama Council functions that are of a formal and ceremonial nature.

The cost of Councillors attendance at dinner and other non-Council functions that provide briefings to Councillors from key members of the community, politicians and business and when the function is relevant to the Council's interest will be met.

No payment shall be made by Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

- (e) In respect of a conference or seminar, a Councillor who does not attend the majority of the sections of the conference/seminar shall not be eligible for a reimbursement of any sustenance, accommodation and travel expenses, unless extenuating circumstances apply.
- (f) Approved travel shall be in the most efficient and effective manner having regard to the requirements of individual Councillors.
- (g) Councillors shall make payment to Council for any private use of Council facilities as per this policy.
- (h) Council is to be advised on an annual basis of attendances at conferences and seminars by all Councillors and associated costs.
- (i) After returning from a conference/seminar the Councillor or member of staff accompanying the Councillor shall provide a written report to Council on the aspects of the conference/seminar relevant to Council business and/or the local community.

2.2 Specific Provisions

2.2.1 Accommodation

For all approved conferences, seminars, etc Council shall pay the cost of accommodation (including breakfast and parking) provided it is approved by the General Manager. Other out of pocket expenses incurred on approved official duties will be reimbursed on production of appropriate receipts etc attached to the prescribed form. All arrangements and bookings for accommodation shall be made by Council staff.

The Council will pay other costs charged by organisers of conferences and seminars i.e. costs related to official luncheons, dinners and tours which are relevant to the interests of the Council or assist the Councillors to discharge the functions of their civic office.

2.2.2 Expenses

Expenses which are eligible for reimbursement and not included in registration costs while representing Council at courses etc are parking fees, tolls, meals (Councillors only).

Other minor expenses eg. snacks, beverages etc may be reimbursed subject to the approval of the General Manager and Mayor. Receipts must be attached where possible to the approved form for payment.

2.2.3 Travel

The following applies only to travel authorised.

(i) Travel by Vehicle

- (a) Where practicable, travel shall be by way of Council vehicle.
- (b) Where a Councillor uses a private vehicle they shall be reimbursed on a per kilometre basis at the rate currently applying to the Local Government (State) Award.

The Schedule of reimbursements attached to this Policy indicates the rate applicable at this time.

- (c) Travel undertaken on Council business will be by the shortest route possible.
- (d) Councillors may claim reimbursement for travel to and from Council meetings, Council committee meetings and any other meetings at which their attendance has been approved by Council.
- (e) Travel other than by private vehicle (ie. by taxi, train or other public transport) shall be reimbursed on an actual cost basis
- (f) Any claims for reimbursement under this section must be made within two months from the date of the travel, on the prescribed form provided by Council for this purpose.

(ii) Air travel

- (a) Where travel by a Councillor by road vehicle is deemed inappropriate by the Council or the General Manager, travel may be by air.
- (b) The standard of air travel shall be economy class.
- (c) Arrangements and bookings for air travel shall under normal circumstances be made by Council staff.

2.2.4 Registration fees

- (a) All registration fees arising from the approved attendance of a Councillor at a conference or seminar, shall be paid by Council. This shall include any costs of attending official functions and tours. Registration fees and any costs of official functions and tours which apply to a partner or spouse will not be paid by Council.
- (b) Where a Councillor is unable to attend a conference or seminar and a full refund of fees paid cannot be obtained, or an alternate delegate cannot be sent, the Councillor shall be responsible for the payment of any shortfall, unless extenuating circumstances apply.

2.2.5 Care and Other Related Expenses

Councillors can claim up to \$100 per month for reimbursement of carer expenses that were incurred whilst attending to Council business. This may include childcare expenses and the care of immediate family members of Councillors who are elderly, have a disability and/or are sick. Reimbursement of childcare expenses will be made for children under 16 years of age only. Expenses will be paid on production of receipts. The maximum amount claimable per month will be indexed annually in accordance with the Consumer Price Index (CPI).

2.2.6 Legal Expenses

The reasonable legal expenses of a Councillor will only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Local Government Act (Section 731 refers) or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:-

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal;
- (ii) Independent Commission Against Corruption;
- (iii) Office of the NSW Ombudsman;
- (iv) Division of Local Government, Department of Premier and Cabinet;
- (v) NSW Police Force;
- (vi) Director of Public Prosecutions;
- (vii) Council's Conduct Review Committee/Reviewer.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Council'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 will only be made available where a matter has been referred by a General Manager to a Conduct Reviewer/Conduct Review Committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances 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.

A Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

A Council will 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.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

A Councillor is to obtain the approval of Council, where possible, prior to legal expenses being incurred.

2.2.7 Communication Expenses

Councils will not meet expenses for individual Councillors or groups of Councillors to produce and disseminate personalised pamphlets, newsletters and the like.

2.2.8 Gifts and Benefits

In circumstances where it is appropriate for Councillors to give a gift or benefit (for example, on a Council business related trip or when receiving visitors) these gifts and benefits shall be of a token value.

PART 3 - PROVISION OF FACILITIES, EQUIPMENT AND SERVICES

3.1 General Provisions

Council facilities and equipment should only be used by Councillors in the performance of the functions of a Councillor and in the manner prescribed and authorised by Council.

Subject to (a) above, certain designated facilities and equipment contained in this policy may be used by Councillors other than in the performance of the functions of a Councillor, providing the Council is reimbursed as provided in this policy.

3.2 Specific Provisions

3.2.1 Council vehicles

Subject to availability, Council vehicles may be used by Councillors for travel authorised by Council.

3.2.2 Council telephones

- (a) Except in an emergency, Councillors' use of Council phones shall relate to the business of Council only.
- (b) Councillors may have access to Council telephones during hours when the Council Chambers or Administrative Centre is open.
- (c) Council shall, upon request, provide Councillors (excluding the Mayor - see Clause 4.1.5(ii)) with a mobile telephone or a suitable smartphone including data plan (e.g. Apple iPhone or equivalent with the capability for significant electronic data communication such as emails, work documents, photographs, etc.) to facilitate the dissemination of information and aid in communication with and between Councillors as well as between Councillors and others. Councillors will be responsible for all call costs of the mobile telephone so provided. Council will be responsible for the provision, maintenance, repair and/or replacement costs associated with the mobile telephone.

3.2.3 Council Information

- (a) Council Staff will provide appropriate information and documentation to assist Councillors in the performance of their duties.

- (b) Where copies of documents or information are required a request should be made to the General Manager, the appropriate Director or Manager.
- (c) Requests from Councillors for in depth information, research or reports to Council shall be initiated by way of either Council resolution or by authorisation from the General Manager or Mayor.
- (d) Requests for information or assistance should be made to the appropriate Director or Manager or, if such officers are not available, to the most senior person available at the time.

3.2.4 Council Administrative Centre facsimile machines

- (a) Councillors may send and receive using Council facsimile machines during hours when the Council Chambers or Administrative Centre is open.
- (b) Except in an emergency, Councillors' use of Council facsimile machines shall relate to the business of Council only.

3.2.5 (i) Supply of Personal Computer and Tablet devices to Councillors

- (a) Each Councillor shall have the choice of a Desktop Computer or a Laptop Computer, such computers to have minimum specifications as advised by Council's IT Section at the time of purchase.
- (b) Each Councillor may additionally request Council to supply and maintain an Apple iPad or equivalent electronic tablet to Councillors in order to facilitate the dissemination of information and aid in communication with and between Councillors.

3.2.5 (ii) Supply of miscellaneous equipment to Councillors

Miscellaneous equipment can include a printer, fax, scanner, phone, answering machine and shredder.

- (a) Council shall, upon request, install and maintain the above miscellaneous equipment in Councillors' homes in order to facilitate the dissemination of information and aid in communication with and between Councillors.
- (b) Council shall, upon request, install an additional telephone line in a Councillor's home for the sole use of the facsimile/telephone/ answering machine(s) provided by Council.

- (c) Where an additional telephone line is installed, Council shall pay all installation costs. The account issued by the telephone service provider shall be paid in full by the Councillor. Council will reimburse the Councillor on at least an annual basis for the cost of line rental together and for costs associated with Council business.
- (d) Where an additional telephone line is not installed the Councillor will be permitted to use the facsimile machine for private purposes. Costs associated with official use will have to be formally claimed from Council.
- (e) All supplied miscellaneous equipment shall remain the property of Council and shall be returned when the Councillor no longer holds office.
- (f) Council shall supply all paper for use in Council provided miscellaneous equipment.

3.2.6 Sale of Second-hand Council Equipment

Former Councillors have the option to purchase the second-hand Council equipment at a sale price determined by an independent valuation.

3.2.7 Access to Administrative Centre and other Council owned/controlled buildings and areas

- (a) For the purpose of gaining access to authorised areas, Councillors shall be provided with the necessary key(s).
- (b) Councillors shall have access to the Council Chambers and designated committee meeting rooms subject to their availability.
- (c) Councillors shall have access to the administrative sections of the Council Administration Building, only during ordinary business hours except to access the Council Chambers or designated Committee Rooms.
- (d) Three designated car parking spaces shall be made available for Councillors. In the event of those spaces being occupied a Councillor may park in any other unoccupied space in the designated car parking area.

3.2.8 Stationery and postage

Each Councillor upon request will be issued with appropriate stationery on an annual basis as follows:-

"With compliments" slips (250)
Envelopes - pre paid (250)
Business cards (500)
Office of Councillor letterhead (250)

3.2.9 Meals and beverages

Council shall supply all Councillors with appropriate meals, refreshments and/or beverages associated with Council and committee meetings and functions.

3.2.10 Councillors' insignia of office

Councillors shall be provided with the following, upon request:-

- A metal lapel badge consisting of logo and two title bars.
- An engraved plastic lapel badge.
- A supply of 20 Council logo metal lapel badges (small).

3.2.11 Clothing

- (a) Councillors may purchase items of the corporate uniform as provided to staff.
- (b) If purchases exceed the value of \$200, Council shall provide \$100 towards the purchase costs.
- (c) Councillors will be issued on request a Council blazer to be worn at official functions.

3.2.12 Insurance

(i) Personal injury or death

All Councillors and their partners/spouses, whilst engaged in any activity, either directly or indirectly connected with the business of Council shall be covered by Council's Volunteer Workers insurance which covers death and disablement. (Subject to the level of cover and any exclusions which may apply to Council's insurance policy at any point in time.)

(ii) Professional Indemnity

All Councillors are covered for liability arising out of the exercise of the functions of Councillor, if, in the opinion of Council, such actions have been bona fide and/or proper. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

(iii) Public Liability

All Councillors are covered for liability arising out of the exercise of the functions of Councillor. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

(iv) Councillors' Liability (including Council reimbursement)

All Councillors are covered for liability arising out of the exercise of the functions of Councillors where such actions are bona fide and in good faith.

The insurance policy will cover costs, charges, expenses and defence costs [but excludes fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s)].

The policy also covers the attendance by any insured persons(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned by any official body or institution that is empowered to investigate the affairs of the Council by reason of any Wrongful Act committed or allegedly committed by the Councillor in their capacity as Councillor. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

PART 4 - ADDITIONAL FACILITIES PROVIDED TO THE OFFICE OF MAYOR AND DEPUTY MAYOR

4.1 OFFICE OF MAYOR

4.1.1 Mayoral Office

An appropriately furnished office shall be supplied by Council for the office of Mayor.

4.1.2 Secretarial Support

Appropriate secretarial support will be provided for undertaking the duties of Mayor.

4.1.3 Refreshments/Beverages

Appropriate refreshments and beverages will be provided to the Mayoral office for hospitality purposes.

4.1.4 Mayoral Vehicle

- (i) A Council owned vehicle of an appropriate standard shall be provided for the Mayor's use if required. The "appropriate standard" shall be determined by the Mayor and General Manager and shall extend to the standard of vehicle included in the General Manager's Contract of Employment.
- (ii) The vehicle will be registered, insured and fully maintained by the Council.
- (iii) Private use of the vehicle will be permitted in accordance with an agreement similar to the senior staff vehicle agreements.

4.1.5 Mayoral Phones

- (i) A telephone with full STD access shall be provided in the Mayoral office.
- (ii) A portable mobile/car phone shall also be provided to the Mayor upon request. Council shall pay all rental costs and call charges excepting private calls which are to be met by the Mayor.

4.1.6 Mayoral Robes/Chain

The Mayor shall be entitled to wear the Mayoral robes/chain as determined by the Mayor.

4.1.7 Car Parking Space

A designated car parking space shall be provided for the Mayor.

4.2 DEPUTY MAYOR

In the absence of the Mayor, the Deputy Mayor, when performing the functions of Mayor, shall be entitled to use the facilities as stated in 4.1, except for 4.1.4 (Mayoral vehicle) and 3.1.5 (ii) (mobile phone) unless otherwise authorised by the Mayor.

POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR, DEPUTY MAYOR AND COUNCILLORS

SCHEDULE OF REIMBURSEMENTS

2.1 Reimbursement

- (a) A daily reimbursement of expenses to a maximum of \$65 will be paid for each day a Councillor is absent from the Municipality on Council approved civic duties.

2.2.3 Travel by Vehicle

- (i) (b) Councillors who use a private vehicle for Council business shall be reimbursed on a per kilometre travel basis at the rate currently applying to the Local Government (State) Award. As at 1 November, 2009 these rates are:-

Less than 2.5 litre engine	0.65¢ per kilometre
2.5 litres and over	0.74¢ per kilometre

3.2.5 (i) Supply of Personal Computers

- (a) Councillors will be reimbursed to a maximum amount of \$750 per annum to cover Internet access costs. Council shall upon request supply and maintain personal computer(s) (PCs) to Councillors in order to facilitate the dissemination of information and aid in communication with and between Councillors.
- (b) Reimbursement shall be paid to Councillors monthly or annually in arrears without production of a receipt.
- (c) Council shall nominate an independent service provider whose monthly access rate shall be the benchmark for determining the allowance paid to Councillors. Individual Councillors will not however be required to use the ISP nominated by Council but will not receive this allowance unless they have an active account with an ISP.
- (d) The amount shall be reviewed annually, or immediately in the event that there is an increase in the monthly Internet access cost of the (ISP) nominated by Council.
- (e) Councillors shall be reimbursed an amount equivalent to any initial set up charges levied by the ISP nominated by Council.

- (f) Councillors shall be provided upon request with any reasonable consumables (including paper and ink/toner cartridges) associated with the use of the personal computer and printer for official Council use.

3.2.5 (ii) (c) Supply of Facsimile/Telephone/Answering Machines

- (i) Councillors will be reimbursed for a maximum amount of \$500 per annum to cover rental costs and costs of official Council use.
- (ii) The amount shall be reviewed annually, taking account of the costs of rental, call costs and usage.