

1.1 POLICY NAME

Payment of Expenses and
Provision of Facilities to the Mayor,
Deputy Mayor and Councillors
Policy

POLICY NUMBER

LG006

1.2 DATE ADOPTED

26 June 2017

COUNCIL MINUTE NUMBER

PRC20/ORD144

1.3 ECM NUMBER

7765585

POLICY TYPE

Council

1.4 REVIEW DATE

November 2020

RESPONSIBLE DEPARTMENT

Governance

1.5 RELATED DOCUMENTS

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Purpose

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.

Policy Statement

The policy provides for fair and equitable reimbursement of expenses incurred by the Mayor, Deputy Mayor and Councillors in discharging the functions of civic office.

Scope

This policy applies to all Councillors and staff.

Policy

This policy will commence on the next page.

PART 1 – INTRODUCTION

1. Title and Commencement of the Policy

Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors.

Policy commences on 26 June 2017.

2. Purpose of the Policy

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

3. Objectives and coverage of the Policy

To provide for the fair and equitable reimbursement of expenses incurred by the Mayor, Deputy Mayor and Councillors in discharging the functions of civic office.

To provide adequate facilities for use by the Mayor, Deputy Mayor and Councillors to enable them to discharge the functions of civic office.

In the absence of clear financial limits being set within the Policy, reference should be made to the table (Appendix B) for further guidance.

4. Making and Adoption of the Policy

Recommended by Policy Review Committee 8 May 2017 (Minute No20).

Adopted by the Ordinary Meeting of Council 26 June 2017 (Minute No144).

5. Legislative and Governance Requirements

5.1. Local Government Act 1993

Section 248 – Fixing and payment of annual fees for councillors states:

- (1) A council must pay each councillor an annual fee.*
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (3) The annual fee so fixed must be the same for each councillor.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

Section 252 - Payment of expenses and provision of facilities states:

- (1) Within the first 12 months of each term of a council, the 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 – Requirements before policy concerning expenses and facilities can be adopted or amended 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) *(Repealed)*
- (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 – Decision to be made in open meeting states:

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

Section 254 (A) – Circumstances in which annual fees may be withheld

- (1) *Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council:*
 - (a) *for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or*
 - (b) *in any other circumstances prescribed by the regulations.*

Note. 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, and the payment of expenses to, councillors*
- *the total amount of money expended during the year on providing those facilities and paying those expenses.*

- (2) *Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the*

council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.

5.2 Local Government (General) Regulation 2005

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

- (1) *For the purposes of section 428 (4(b)) 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 CEO 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.*

2.2.2 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.*

5.3 Government Information (Public Access) Act 2009

The *Government Information (Public Access) Act 2009* provides that the public is able to access at no charge the current version and the immediately preceding version of Council's expenses and facilities policy.

5.4 Guidelines for payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW

The Office of Local Government (former Division of Local Government) issued updated guidelines in October 2009; to assist councils review and prepare policies on the payment of expenses and provision of facilities for mayors and councillors in local councils in NSW.

5.5 Guidelines issued by the Office of Local Government

This Policy takes into account the following Circulars:

- a) Circular 09-36 Release of revised councillor expenses and facilities guidelines;
- b) Circular 10-26 Misuse of council resources;
- c) Circular 11-27 Finds from Review of Councillor Expenses and Facilities Policies
- d) Circular 16-30 Local Government Amendment (Governance and Planning) Act

5.6 The Model Code of Conduct for Local Councils in NSW

This policy is consistent with the Model Code of Conduct for Local Councils in NSW, Office of Local Government November 2015. The following clauses from the Model Code of Conduct for Local Councils in NSW are particularly relevant to section 252 policies:

7.12 - *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.*

7.14 - *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.*

7.15 - *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.*

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.

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

- a) The purpose of assisting your election campaign or the election campaign of others; or*
- b) For other non-official purposes.*

7.18 - *You must not convert any property of the council to your own use unless properly authorised.*

5.7 ICAC Publication: No excuse for misuse, preventing the misuse of Council resources

This Policy takes into account the recommendations the Independent Commission Against Corruption (ICAC) publication, No excuse for misuse, Preventing the misuse of council resources (Guidelines 2) November 2002.

6. Definitions

The Act – refers to the *Local Government Act 1993*

Council – Penrith City Council

Expenses – Payments made by Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for carrying out their civic functions

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

Guidelines – refer to the Office of Local Government Guidelines for the payment of expenses and the provision of facilities for Mayor and Councillors in NSW

Policy – Mayor and Councillors Policy – Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy

Private Benefit – Obtaining a financial gain from the use of expenses and facilities provided by Council to undertake their duties

Regulation – refers to the *Local Government (General) Regulation 2005*

State Award – The *Local Government (State) Award 2014*

7. Approval Arrangements

Approval for attendance at Conferences, travel on Council business and the like is to be, where possible, approved by a full meeting of the Council. If this is not possible then the approval is to be given jointly by the Mayor and the General Manager. If the Mayor requires urgent travel approval, it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

7.1. Dispute Resolution

Any disputes that arise in relation to this Policy will be resolved as follows:

- a. With the Councillor and the General Manager; if unresolved;
- b. With the Mayor; if unresolved;
- c. The Full Council will be asked to review the dispute.

PART 2 – PAYMENT OF EXPENSES

8. General Provisions

8.1. Payment of Expenses

In accordance with the *Local Government Act 1993*, Council will not permit the payment of an allowance to any Councillor that may be considered a general expense or allowance.

8.2. Annual Fees – Mayor

Council will determine annually the fee to be paid to the Mayor in accordance with Section 249 of the *Local Government Act 1993*. This additional fee will be paid to the Mayor monthly in arrears.

8.3. Annual Fees – Deputy Mayor

Council will determine annually the fee to be paid to the Deputy Mayor in accordance with Section 249(5) of the *Local Government Act 1993*. This fee, which is to be deducted from the Mayor's fee, is in addition to the Councillor's fee. This fee will be paid to the Deputy Mayor monthly in arrears. In the event that the Mayor stands aside, is incapacitated or voluntarily ceases to perform the functions of the Mayor for any reason, the Council may, by resolution, pay an additional fee to the Deputy Mayor for that period (on a pro rata basis) while he/she carries out the duties and responsibilities on behalf of the Mayor. This fee will be in addition to the Councillor's fee and will be deducted from the Mayoral fee.

8.4. Annual Fees – Councillors

Council will determine annually the fee to be paid to the Councillors in accordance with Section 248 of the *Local Government Act 1993*. This fee will be paid to Councillors monthly in arrears as provided by Section 250 of the Act. In the event that the Deputy Mayor, stands aside, is incapacitated or voluntarily ceases to perform the functions of the Deputy Mayor for any reason, the Council may, by resolution, pay an additional fee to a nominated Councillor for that period (on a pro rata basis) while he/she carries out the duties and responsibilities on behalf of the Deputy Mayor. This fee will be in addition to the Councillor's fee.

8.5. Reimbursement and Reconciliation of expenses

Where there is a right under this Policy to claim reimbursement of costs and expenses, reimbursement will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim form (Appendix A). All claim forms must be submitted to the General Manager within three (3) months of incurring that expense.

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

Councillors must seek reimbursement of expenses within three (3) months of incurring that expense.

8.6. Advanced Payment of Expenses

The Policy allows for any Councillor to request advance payment of anticipated expenses likely to be incurred attending any service or facility covered by this Policy. However, Councillors must completely reconcile all actual expenses against the cost of the advance within three (3) months of incurring that expense. Allowance type payments are not payable under any circumstances.

8.7. Spouse and Partner Expenses

Except as provided below, Councillors are required to meet all expenses incurred by spouse / partners in attending conference and seminars including any additional cost supplement for accommodation.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government NSW annual conference may be met by Council. The expenses will be limited to the cost of registration and the official conference dinner. Travel expenses, any additional accommodation expenses, and the cost of partner / accompanying person tours etc. are the personal responsibility of individual Councillors.

8.8. Political fund raising functions

Councillor expenses should not be used to support attendance at Political fund raising functions.

8.9. Appointment of Administrator

The Council's Policy on the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors shall apply in the event that an Administrator is appointed to the Council's area.

8.10. Attendance at Seminars and Conferences

Council will meet the costs associated with Councillors attending conferences or seminars that have been authorised by a resolution of the Council or approved under delegated authority by the Mayor or General Manager as follows:

- The payment of registration fees (Appendix B)
- Accommodation (see clauses 9.2.2.5 and Appendix B)
- Reasonable sustenance and incidental expenses (see clause 9.2.3 and Appendix B)
- Travel (see clauses 9.2.2 and Appendix B)

8.11. Travel Arrangements and Expenses

8.11.1. Transportation

Where Council Officers are attending any meeting, conference, seminar or function and are travelling by motor vehicle, Councillors will, where practical, travel to and from the meeting, conference, seminar or function with the Council Officers.

Should travel with a Council Officer be impractical, then the Councillor will make a request to the Mayor or General Manager (or the General Manager's delegate) to authorise travel by the most direct route to and from the meeting, conference, seminar or function in a Council pool vehicle; if the use of a Council pool vehicle is impractical, a Councillor may use the Councillor's private vehicle. (See clause 8.11.3 below).

A travelling allowance, based on the rates applicable under the relevant State Award, or the cost of the equivalent return first class rail fare (whichever is the lesser amount) will be paid to the Councillor upon presentation of the appropriate claim form (Appendix A).

Where distances or practicality prevent travel by motor vehicle Council will meet the cost of either the return first class travel by rail or return economy class airfare together with taxi fares to and from the railway stations or airports for Councillors attending meetings, conferences, seminars or functions.

Generally, where a Councillor is not travelling with an Officer to the relevant meeting, conference, seminar or function, or it is inconvenient for the Councillor to travel with the Officer, Councillors may, with the relevant approval from either the Mayor/General Manager use their private motor vehicle and claim the costs as set out below in 8.11.3 where such travel is not greater than three hours.

If a Councillor is using their private motor vehicle to travel to a meeting, conference, seminar or function, a Councillor is able to receive the lesser of the cost of an economy air fare plus transfers to and from airports or the cost according to the “rates applicable under the relevant State Award” if they choose to use their private motor vehicle to travel to a meeting, conference, seminar or function.

Where road travel is required over a time period greater than 3 hours then Council approved air travel may be utilised.

Councillors will be provided with a cab charge card for instances where taxi transport is required to exercise their civic functions or attend conferences, seminars or functions. Upon receiving a cab charge card, the details of the fare and reason for travel should be recorded.

Council will meet Councillors’ reasonable medical expenses associated with travel on approved Council business.

8.11.2. Class of Air Travel – Consideration of Premium Economy Class Air Travel

Economy Class travel will be used for all official air travel, with the exception that Business Class or premium economy (where available) travel may be used for air travel to:

- Western Australia
- the Northern Territory
- Tasmania
- destinations in Queensland north of Brisbane
- destinations overseas

8.11.3. Use by Councillors of their private Motor Vehicle

Council will meet the cost of Councillors using their own motor vehicle for travelling by the most direct route to and from the destination (plus an allowance for incidental kilometres on overnight stays) for:

- a. meetings of the Council or the meetings of any Committee of the Council, Working Party, Taskforce, Forum or the like, of which the Councillor is a member or any briefing, community consultation, or the like, organised or authorised by the Council;
- b. business or inspections within or outside the Council’s area in accordance with a resolution of the Council;
- c. periodical conferences and/or meetings of organisations of which the Council is a member or other meetings specifically authorised by resolution of Council or where a Councillor has been elected as the Council’s delegate to an organisation; and
- d. any meeting, conference or function on behalf of the Council or the Mayor when such attendance is authorised.

- e. Councillors are to lodge claims for travelling expenses within a period of three months after which the expense was incurred and the claim is to be on the appropriate form. The Councillor will also lodge with any claims a log of the journey in the “Councillor Claim for Expenses” form.

The total quantum of travelling expenses paid for the use of a Councillor’s motor vehicle by a Councillor for travelling on Council business is to be either:

- a. an amount calculated according to the rates applicable under the relevant State Award; or
- b. an amount equivalent to the cost of a return economy class air fare, whichever is the lesser amount (including travel costs to and from the airport).

The Councillor / driver is personally responsible for all traffic or parking infringements incurred while travelling in private or council vehicles on council business.

8.11.4. Frequent Flyer Points

Councillors shall not be entitled to claim frequent flyer points relating to air travel authorised by this Policy. In circumstances where the Councillor has no option but to pay for air travel and frequent flyer points are accrued to his/her personal account, the Councillor will surrender the points to the airline upon reimbursement of the airfare by Council.

8.11.5. Accommodation whilst out of the Local Government Area (LGA)

Council will meet the cost of accommodation for Councillors attending to Council business, inspections, meetings, conferences or functions outside the Council area which are authorised by the Council, Mayor or General Manager.

Council will meet the cost of accommodation for each Councillor at the venue of the conference or seminar or at another suitable location providing an equivalent standard of accommodation in close proximity to the venue.

When travelling by motor vehicle to conferences or seminars that require the Councillor to break their journey the Council will meet the accommodation and meal expenses of the Councillor for a maximum of two nights, provided that the accommodation is located along the most direct and practicable route when journeying to and from the conference or seminar venue and is consistent with current Australian Taxation Office (ATO) Taxation Determination or any determinations or policies of the Australian Tax Office that supersede it.

8.12. Sustenance and Incidental Expenses

8.12.1. Sustenance whilst on Council Business within Australia

Council will meet the cost of reasonable sustenance and incidental expenses in accordance with ATO’s current Taxation Determination. The sustenance amounts will be varied in accordance with revised determinations made by the ATO, for Councillors attending to Council business, inspections, meetings, conferences, seminars or functions which are authorised by the Council, Mayor or General Manager.

Sustenance and incidental expenses will be paid on an actual cost basis (per day) up to the maximum ATO determinations.

8.12.2. Sustenance and incidental expenses whilst on Council business outside Australia

Council will, in the case of approved Overseas Travel for Councillors, pay an allowance equivalent to that applicable in tax ruling TD 2016/13 for Federal public servants (to be paid as if the Councillors received a salary in Table 2) or any other document that should replace the above tax ruling.

8.13. Official Functions

Council will meet the costs of the Mayor, Deputy Mayor and Councillors and their spouse / partner when they attend Council-organised functions.

8.13.1. Community Functions

In those cases where the Mayor, Deputy Mayor and Councillors are invited to attend any function that is of such a nature that the Councillor's spouse / partner would normally be expected to accompany the Councillor, any reasonable costs associated with the attendance of the spouse / partner will be met by Council. This includes instances where a Councillor is representing the Mayor.

The payment of expenses for attending functions as permitted above will be limited to the ticket, meal and / or the direct cost of attending the function. Peripheral expenses incurred by spouses / partners / accompanying person such as grooming, special clothing and transport are not considered reimbursable expenses.

The Council will not meet any costs associated with attendance at fund-raising activities or rallies held by registered political parties or groups.

8.13.2. Training and Educational Expenses

Councillors will be provided with any necessary training / education in the use of equipment supplied by the Council or in sessions relating to issues like probity, pecuniary interests or other issues that has been authorised by Council resolution or approved under delegated authority by the Mayor or General Manager.

Council will meet the full cost of attendance of Councillors at any of these sessions in the same manner as applicable to a Councillor's attendance at Conferences, Seminars and the like up to the limit set at Appendix B, unless a recommendation has been made to the Council by an external Agency for specific training to occur for a Councillor(s) by the OLG, the NSW Ombudsman or a Conduct Reviewer, or compulsory training as required by legislation. This limit may be varied where approved by the Mayor, General Manager or by Council.

8.13.3. Carer and other related Expenses

Council endeavours to encourage and facilitate wide community involvement for persons nominating or holding the position of civic office. Accordingly, this Policy allows for fair and reasonable re-imburement of carers expenses in relation to attendance at Council and Committee Meetings, and other official Civic functions. This applies to Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member. Upon submission of receipts and tax invoices and completion of a formal claim

(Appendix A) to the General Manager within three (3) months of the expense being incurred, reasonable expenses may be available.

In addition, Councillors who require access to childcare in order to attend Council meetings, events and activities will be provided with child care through a registered and accredited child care provider, at Council's expense.

Should Councillors wish to arrange their own child care this is permissible and reimbursement will be provided on completion of the appropriate claim form.

8.13.4. Insurance expenses and obligations

Council will effect and maintain Personal Accident Insurance and Professional Indemnity cover for Councillors.

Council will also take out full travel insurance, which includes personal effects, personal accident and travel accident or sickness insurance, where appropriate, for Councillors involved in overseas, interstate or intrastate travel on Council business.

Council will effect and maintain insurance to cover any loss or damage to Council property in the possession or control of Councillors.

At any time during the currency of this Policy, additional insurance may be taken out to cover Councillors, if and when it is identified.

8.13.5. Legal Expenses and Obligations

If the Mayor, Deputy Mayor or a Councillor incurs legal expenses in an Inquiry, investigation or hearing instigated by any of the following:

- Independent Commission Against Corruption
- The Office of the Ombudsman
- The Office of Local Government
- The NSW Police Force
- The Director of Public Prosecutions
- The NSW Civil and Administrative Tribunal
- The Australian Securities Commission
- Any other person, body or authority approved by a resolution of Council

and the inquiry, investigation or hearing results from the Mayor, Deputy Mayor or Councillor discharging their duty, or relate to the office of Mayor, Deputy Mayor or Councillor, then the Council may, after considering this resolve to pay such expenses incurred. The reimbursement shall be limited to the extent that the rates charged are of a comparable rate to that charged by Council's Solicitors. Any rate higher than this will not be reimbursed.

This assistance is on the basis that the costs do not vary substantially from the rates charged by Council's Solicitors and provided that the following :

- the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor; and
- the inquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor; and
- the costs are only paid after the hearing, inquiry or investigation; and

- the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act (section 731) 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 code of conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal inquiries 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 should only be made available where a formal investigation has been commenced by the Office of Local Government.

Legal assistance will not be provided in respect of legal proceedings initiated by the Mayor, Deputy Mayor and / or Councillors except where the Mayor of the day requires independent legal advice (but not to initiate legal proceedings) having regard to the Office of Mayor up to an annual amount of \$10,000. In these circumstances the Mayor should advise the General Manager in writing outlining the reasons for requiring the independent legal advice, where possible prior to the expense being incurred.

PART 3 – PROVISION OF FACILITIES

9. Provision of Facilities for Councillors

9.1. Councillors' Rooms

The Glenmore Room at the Civic Centre will be available for use primarily by the Mayor of the day. When the room is not being used by the Mayor, Councillors may use the Glenmore Room for activities associated with their civic duties.

This Room will be furnished with appropriate casual and informal furniture and a telephone. Refreshments will be provided to Councillors as required. Refreshments will be maintained and stocked by Council for use by Councillors for activities associated with their role as a Councillor.

The Frogmore Room at the Civic Centre will also be available to Councillors for activities associated with their role as a Councillor. This Room will be furnished with appropriate office furniture, computer equipment, access to the internet and e-mail, calendar and the suite of products used in the organisation from time to time, identified legislation and other documents and reference material required by Councillors to fulfil their functions.

9.2. Meeting Rooms

The Roseneath and Fernhill meeting rooms at the Civic Centre will be available to Councillors on a priority basis to allow Councillors to interview constituents and other people about issues of importance or concern and to fulfil their role as an elected person.

These rooms will be furnished with appropriate meeting room furniture and a telephone and refreshments will be provided as required.

9.3. Councillor Parking

A total of six (6) parking spaces have been allocated in the basement car park at the Civic Centre exclusively for use by Councillors. Councillors are at liberty to use other spaces in the basement car park when all Councillor spaces are occupied.

9.4. Secretarial/Clerical Support

Reasonable secretarial/clerical support will be provided to Councillors by the Executive Assistants during normal office hours for work directly related to the duties of office.

9.5. Stationery

Each Councillor will be provided with an annual stationery package up to the value of \$588.44. This amount will be increased in value each year based on inflation.

The stationery package is to consist and be made up of one or more of the following according to the individual requirements of Councillors:

- Business Cards
- Letterheads
- Envelopes
- With Compliments Slips
- Christmas Cards
- Postage Stamps
- Diary

Where Councillors wish to print their own stationery from computers and the like, they may do so providing they comply with the approved style manual.

In addition, Councillors will be provided with a name badge on election to office, memo books, satchels and appropriate convention cases as and when required.

In addition to the above, the Mayor/Deputy Mayor, when elected, will be issued with the appropriate stationery and associated items in the name of their newly-elected Office. This is provided by Council and does not form part of the stationery allowance provided to Councillors.

9.6. Attire

Councillors will be provided with either a tie or scarf when elected to Office or when the design of these items varies.

Councillors will be provided with the following to wear when representing Council at functions and events:

- A Corporate Blazer/Jacket;
- Two Corporate Polo shirts; and
- Two Penrith Business shirts.

9.7. Courier Deliveries

Council will meet the cost of urgent deliveries to Councillors to enable them to fulfil their official functions and duties.

10. Meals

10.1. Ordinary Meetings, Policy Review Committee Meeting and Councillor Briefings

Councillors shall be provided with a 'sit-down' 2-course meal on the evenings of Ordinary and Policy Review Committee Meetings and Councillor Briefings.

10.2. Committee and Working Party Meetings

Councillors shall be provided with light refreshments at Committee and Working Party Meetings, commensurate with the time of day that the meeting is to be held, and the amount of business to be conducted at the Meeting.

11. Provision of Equipment for Councillors

Councillors will be provided with the latest technology required for the effective carrying out of their civic duties. Specifically, Councillors will be provided with the following:

11.1. Office Equipment

Councillors will be provided with reasonable access to the photocopier, facsimile machine and printers in the corporate area during normal office hours for work directly related to the duties of office.

11.2. Communication Equipment

11.2.1. Mobile Telephones/Surface Pros

Council will provide a mobile phone to any Councillor who requests it. The telephone will be of the same standard as those used within the Council and will be included in the Council's Telecommunications Provider's appropriate Corporate Plan.

The Council will cover the costs of calls and other charges associated with a Councillor's activity in their role as a Councillor up to a maximum of \$247.15 per month (adjusted annually in line with inflation).

Councillors who already have a mobile telephone and wish to retain it for use in their civic duties will have the cost of calls and other charges associated with a Councillor's activity in their role as a Councillor paid up to a maximum of \$247.15 per month (adjusted annually in line with inflation) upon receipt of an appropriate claim (Appendix A).

Councillors should be aware that it is their responsibility to contact Council's Information and Communication Technology Department prior to any overseas travel to ensure they are aware of any increased mobile telephone charges due to global roaming, and to have their phone settings changed accordingly to minimise unexpected costs.

11.2.2. Home Office

Councillors will be provided with an internet connection for the purpose of accessing the internet and email for Councillor business. Council will provide a portable internet connection that will not exceed \$60.00 per month.

Council will also provide a telephone service at the residence of Councillors for use in relation to official functions and duties of Mayor, Deputy Mayor and Councillors. Council will meet the cost of the telephone, line installation,

maintenance, training, and line rental, at cost. Council related call costs and any other associated costs will be limited to \$123.32 per month (adjusted annually in line with inflation).

11.2.3. Technology Equipment

Contemporary Technology Equipment will be provided to the Councillors as per the corporate computer program in place for the organisation. This equipment will remain in the possession of the Councillor during his/her term of office and will be maintained by Council as and when required. Any equipment requiring maintenance is to be returned to Council for servicing.

Council will provide and maintain all necessary computer software, Internet access and provide any necessary consumables to Councillors to enable Councillors to undertake their duties.

In the event that a Councillor requests computer equipment be provided that is not supported in Council's corporate computer program, that Councillor will be reimbursed the purchase price of the equivalent computer in the corporate program. In the event that issues occur with the function of the equipment, it should be noted Council's IT staff will assist where practical but this may not always be possible.

12. Provision of additional Equipment and Facilities for the Mayor

It is recognised that the Mayor of the day has specific needs to adequately meet the demands of civic office particularly to fulfil the duties and responsibilities of the Mayor in a large and thriving Regional City like Penrith.

Accordingly the Mayor, in addition to the facilities outlined elsewhere in this Policy, will be provided with the following facilities:

12.1. Office Facilities and secretarial /Corporate Support

The Mayor will be provided with a fully furnished office and telephone as well as secretarial / clerical support from the Executive Assistants, during normal office hours, for work directly associated with the official functions and duties of the office of Mayor.

Council will meet the cost of postage of correspondence forwarded by the Mayor in the conduct of official duties.

12.2. Mayoral Vehicle

Council will provide to the Mayor, at its cost, a registered, insured, maintained and fuelled vehicle for use by the Mayor on official duties and for private use.

The vehicle is provided on the following basis:

- The changeover of the vehicle is to occur in accordance with Council's Motor Vehicle Policy
- The Mayor is to be provided with a suitably equipped vehicle commensurate with the requirements of the Office of Mayor in accordance with Council's Motor Vehicle Procurement Policy that is in place at the time of purchase
- The Mayor is to enter into Council's standard agreement for the use of the vehicle, which is the subject of this Policy.

12.3. Car Parking

A secure car parking space will be provided in the basement car park at the Civic Centre exclusively for use of the Mayor.

12.4. Mobile Telephone

A mobile telephone will be provided to the Mayor for use in relation to official functions and duties of the office of Mayor and the Council will meet the cost of maintenance, rental and calls.

12.5. Mayoral Robes and Chains

Mayoral chains, robes and other insignia of Office will be provided to the Mayor to be worn at civic functions.

12.6. Gifts

The Mayor undertakes a range of civic, ceremonial and promotional activities. In recognition of this the Mayor will be provided with mementos of token value such as ties, scarves, cuff links, Council spoons and Council books for presentation to people who have made significant contributions to the community, dignitaries or guests who visit the area.

The Mayor at his/her absolute discretion may provide Councillors with mementos of token value for presentation, by the Councillors, to people visiting the City who it is considered have made significant contributions to the community, are dignitaries or are guests who visit the area.

12.7. Photographs

The Mayor will be given an official framed photograph of himself/herself as a memento of his/her term in Office.

12.8. Corporate Card

- The Mayor will be provided with a Corporate Credit Card to facilitate payment of incidental expenses such as attendance at functions, parking and entertainment in conjunction with discharging the functions of the Mayoral Office.
- The credit card will have a limit of \$A5, 000.
- The account is to be in the name of Penrith City Council, the card being personally issued to the Mayor. The application form is to be signed by the Mayor.
- The credit card is to be used for Council-related business expenditure only.
- The credit card must not be used for obtaining cash advances.
- Upon completion of the Mayoral term, the credit card is to be returned to the General Manager on or prior to the date the term ceases.
- On-going use of the credit card by the Mayor will be in accordance with and subject to any other policy relating to the use of such credit facilities adopted by Council from time to time.

12.9. Private use of Equipment and Facilities

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

In the event that private benefit that is not of an incidental nature does occur, the Mayor (or if the Councillor in question is the Mayor, then the Deputy Mayor) and the General Manager may request the Councillor to reimburse Council for the determined cost of the private benefit.

This Policy has provision for Council to deduct from the Councillor's fees any outstanding sum of money still owed after three (3) months since the benefit is deemed to have occurred.

PART 4 – OTHER MATTERS

13. Acquisition and Returning of Facilities and Equipment by Councillors

13.1. Equipment to remain the remain the property of the Council

Any equipment or office machinery provided to Councillors remains the property of the Council. It is to be returned to the Council, in good working order and condition having regard to the age of the equipment, within 21 days of the Councillor ceasing to hold office unless otherwise specified in this Policy.

Councillors will be responsible for meeting the cost of repairs to any damaged equipment.

13.2. Purchase of Equipment

Councillors will have the option to purchase laptops, mobile phones, telecommunications equipment and the like, allocated to them, but owned by Council, at the cessation of their duties. These items are to be purchased at an agreed fair market price.

13.3. Invitation of Events

Councillors may from time to time, be given tickets and/or invited to cultural events in the local area by Council's external controlled entities. It would be generally accepted that acceptance of such invitations is in line with the role of a Councillor.

14. Special Circumstances

If special circumstances arise where it is impractical for the strict terms of this Policy to be applied the General Manager may authorise a one-off variation to the Policy to meet those special circumstances.

15. Status of the Policy

Authorised by:

Council Resolution

Review date:

This Policy, once adopted, is to remain in force until 30 November 2020 unless it is reviewed beforehand by the Council in accordance with the provisions of Sections 253 and 254 of the *Local Government Act 1993*.

Directorate/Department responsible:

Governance

This policy was developed in consultation with:

- Finance Services
- ICT Operations

Versions

Version	Amended By	Minute Number	Date	Docset Number
1	Council Resolution	420	30 November 2011	2917190
2	Council Resolution	372	19 November 2012	3676795
3	Council Resolution	372	25 November 2013	3731859
4	Council Resolution	390	24 November 2014	6286468
5	Council Resolution	358	23 November 2015	6946216
6	Council Resolution	144	26 June 2017	7765585

Appendix A – Mayor and Councillor Claim for Expenses Form

**General Fund Cheque Requisition
Councillor Claim for
EXPENSES**

Councillor _____

Address: _____

GENERAL EXPENSES

Description/Reason	Amount
TOTAL	

VEHICLE EXPENSES

Make _____ Rego _____ Engine Size Under 2.5ltr _____

Over 2.5ltr _____

Period: From _____ to _____

MEETING DETAILS

Date	Meeting Type	Kms Travelled

_____ Date _____ Signature of Claimant _____ Certifying Officer _____

OFFICE USE ONLY

Kms travelled _____ @ _____ =\$ _____

_____ Creditor Code _____ Reference No. _____ Reference Date _____

\$ _____
Amount



Appendix B – Summary of financial limits for specific expenses

(All fees are GST inclusive and adjusted annually in line with CPI or by the relevant Tax Determination)

Clause	Section	Type	Expense Limit	Comments
8.2 – 8.4	Annual Fees	Monthly Fees	Range set by legislation, Amount set by Council resolution	
8.10	Attendance at Seminars and Conferences	Registration costs	As reported to relevant Council meeting	
		Accommodation	As per table 2 of TD 2016/13	In the first instance accommodation is provided at the venue of any conference. If conference venue does not provide accommodation this limit applies. However, this limit may be varied by the Mayor or GM, subject to location and availability
		Meals	As per table 2 of TD 2016/13	
		Incidental	As per table 2 of TD 2016/13	
8.11	Transportation	Air	Economy Class Travel	Business/Premium Class may be used for travel to: Western Australia, Northern Territory, Tasmania, Qld (Nth of Brisbane), Overseas
		Rail	\$32.72 per day	First Class Rail fare for long journeys
		Bus	\$22.15 per day	
		Taxi	\$163.09 per day \$326.18 Max (Per month)	Cab Charge
		Private Vehicle	Under 2.5 litres – \$0.68 p/km 2.5 litres and over – \$0.79p/km	As per the <i>Local Government State Award 2014</i>
		Parking	\$87.59 per day	
		Medical Expenses associated with travel	Capped at \$250 per annum	

Clause	Section	Type	Expense Limit	Comments
8.13.2	Training and Educational Expenses		\$4,000.00 per Councillor	Annually (Limit may be varied where approved by the Mayor, General Manager or by Council resolution)
8.13.5	Legal Expenses and Obligations		The reimbursement shall be limited to the extent that the rates charged are of a comparable rate to that charged by Council's Solicitors.	
9.5	Stationery	Miscellaneous supplies	\$588.44 (annually) per Councillor	To include: Business Cards, Letterheads, Envelopes, With Compliments Slips, Christmas Cards, Postage Stamps, Diary
11.2	Communication Equipment	Mobile Telephones	\$246.65 per month	Adjusted with inflation annually
		Internet	\$98.16 per month	Adjusted with inflation annually
		Home Office	\$ 123.32 per month	Adjusted with inflation annually.