



Council Policy

Payment of Expenses and Provision of Facilities to Councillors

Version 13 - 25 July 2022

02 4921 0333 | COUNCIL@LAKEMAC.NSW.GOV.AU

126-138 MAIN ROAD SPEERS POINT NSW 2284 | BOX 1906 HUNTER REGION MAIL CENTRE NSW 2310

LAKEMAC.COM.AU

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Introduction

Purpose

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to the Mayor and Councillors to help them undertake their civic duties as the elected representatives of Lake Macquarie City Council.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and having specific regard to the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW and the Office of Local Government's Councillor Induction and Professional Development Guidelines.

The main expenses and facilities under this policy are summarised at Appendix III. Expenses and facilities under this policy are in addition to fees paid to the Mayor and Councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

Scope

The policy applies to the Mayor, Councillors and Council staff of Lake Macquarie City Council.

Policy statement

PART A - GENERAL

1 Principles

Council commits to the following principles:

- (a) *Proper conduct*: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
- (b) *Reasonable expenses*: providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
- (c) *Participation and access*: encouraging people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
- (d) *Equity*: ensuring equitable access to expenses and facilities for all Councillors.
- (e) *Appropriate use of resources*: providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- (f) *Accountability and transparency*: clearly stating and reporting on the expenses and facilities provided to Councillors.

2 Private or political benefit

Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Private use of Council equipment and facilities by Councillors may occur from time to time. Such incidental use does not require a compensatory payment back to Council.

Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Campaigns for re-election are considered a political benefit. The following are examples of what is considered a political interest during a re-election campaign:

- (a) production of election material
- (b) use of Council resources and equipment for campaigning
- (c) use of official Council letterhead, publications, websites or services for political benefit
- (d) fundraising activities of political parties or individuals, including political fundraising events.

3 Annual fees

The Mayor and Councillors are paid an annual fee under section 248 of the *Local Government Act 1993*. Expenses and provisions of facilities to the Mayor and Councillors under this policy are in addition to the payment of an annual fee.

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Councillors may request to forego all or part of their annual fee in exchange for Council making contributions to a complying superannuation fund on their behalf. Such contributions to a complying superannuation fund are in addition to any superannuation contribution payments made to Councillors under section 254B of the Act.

PART B - Expenses

4 General expenses

- 4.1 All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 4.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 4.3 Maximum limits for a specified period, such as per year or per term, will be adjusted on a pro rata basis to reflect the actual period of service for a Councillor. This includes where this policy is adopted part-way through a specified period.

5 Payment of specific expenses

General travel arrangements and expenses

- 5.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 5.2 Council will meet the costs of, or reimburse, each Councillor (including the Mayor) up to a total of \$2000 per year for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement or payment:
 - (a) for public transport fares
 - (b) for parking costs for Council and other meetings
 - (c) for tolls
 - (d) by Cabcharge card or equivalent
 - (e) for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 5.3 Councillors seeking to be reimbursed for use of a private vehicle should lodge a claim using the prescribed form and must supply the date, distance, locations and purpose of travel being claimed. If requested, Councillors must supply evidence of the travel undertaken to the satisfaction of the Chief Executive Officer (general manager).

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

- 5.4 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 5.5 The limit under clause 4.2 applies to travel expenses other than those expenses relating to attendance at the Local Government NSW Annual Conference and/or the National General Assembly in accordance with clause 5.52.

Interstate, overseas and long distance intrastate travel expenses

- 5.6 Council will consider the value and need for Councillors to undertake overseas travel in accordance with section 2. Council should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for Council and the local community. This includes travel to sister and friendship cities.
- 5.7 Total interstate, overseas and long distance intrastate travel expenses will be capped at the following maximum amounts:
 - (a) maximum of \$15,000 per Councillor (other than the Mayor) per term
 - (b) maximum of \$30,000 for the Mayor per term.
- 5.8 The limit under the above clause applies to travel expenses other than those expenses relating to attendance at the Local Government NSW Annual Conference and/or National General Assembly in accordance with clause 5.52.
- 5.9 Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 5.10 Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the Chief Executive Officer (general manager) prior to travel.
- 5.11 The case should include:
 - (a) objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - (b) who is to take part in the travel
 - (c) duration and itinerary of travel
 - (d) a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 5.12 Where practical, Councillors should use the Councillor vehicle for travel on Council business.
- 5.13 For interstate and long distance intrastate journeys by air of less than eight hours, the class of air travel is to be economy class.
- 5.14 For international travel by air of eight hours or more, the class of air travel is to be business if available. For international travel by air of less than eight hours, the class of travel is to be economy.
- 5.15 Bookings for approved air travel are to be made through the Council Business Support Administration Officer.
- 5.16 After returning from overseas, interstate or long distance intrastate travel, Councillors must provide an information report as soon as practicable to be presented to an Ordinary Council meeting on the aspects of the trip relevant to Council business and/or the community. If two or more Councillors attend the same event, only one report is required to be submitted.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Travel expenses not paid by Council

- 5.17 Council will not pay any traffic or parking fines or administrative charges for road toll accounts.
- 5.18 Councillors seeking to extend their travel while on a Council business trip must notify the Chief Executive Officer (general manager) prior to making arrangements. Councillors will be responsible for all expenses associated with the extension of travel.
- 5.19 Council recognises that in the majority of cases it is easier to arrange for travel and accommodation for Councillors and accompanying persons at the same time. If a Councillor chooses to bring someone on Council arranged travel, the Councillor must make the appropriate payments to reimburse the costs upon confirmation of arrangements.

Accommodation and meals

- 5.20 In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, the Chief Executive Officer (general manager) may approve reimbursement of costs for accommodation and meals on the night before or after the meeting. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 100 kilometres from the meeting location.
- 5.21 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Hunter region.
- 5.22 The daily limits for accommodation and meal expenses within Australia are to be at the rates set out at Appendix IV.
- 5.23 The Chief Executive Officer (general manager) may approve an increase or variation to daily limits for accommodation and meal expenses at any time, where he or she is satisfied that this is reasonable and in the interests of Council.
- 5.24 Council will not reimburse costs for accommodation and/or meal/s in circumstances where the accommodation and/or meal/s are included in, or paid by Council, as part of a conference ticket.
- 5.25 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Chief Executive Officer (general manager), being mindful of clauses 5.22-5.24.
- 5.26 Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council-related meetings

- 5.27 Appropriate refreshments will be available for Council meetings, Council Standing Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer (general manager).
- 5.28 As an indicative guide for the standard of refreshments to be provided at Council-related meetings, the Chief Executive Officer (general manager) must be mindful of the reasonable meal expense amounts set out at Appendix IV.

Professional development

- 5.29 Council is committed to an induction and ongoing professional development program for the Mayor and Councillors to ensure they can fulfil their statutory roles and responsibilities.
- 5.30 The Chief Executive Officer (general manager) has overall responsibility for Council's induction and professional development program.
- 5.31 Professional development activities that require Council funds are to be approved in advance by the Chief Executive Officer (general manager) in accordance with this policy.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Induction

5.32 Council will, in the first few months of a Council term, provide a comprehensive induction program for new and returning Councillors and a supplementary program for the Mayor to ensure they are provided the information they need to effectively fulfil their roles. Development of the induction program will consider the guidelines issued by the Office of Local Government under section 23A of the Act. The cost of the induction program will be in addition to the ongoing professional development funding.

Ongoing professional development

5.33 The Chief Executive Officer (general manager) will consult with the Mayor and each Councillor in delivering an ongoing professional development program. The program will identify professional development activities in which the Mayor and each Councillor will participate in to address any capabilities (including knowledge, skills and attributes) needed to effectively fulfil their role. A program will be developed for a term and reviewed annually.

5.34 Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:

- (a) 70 per cent of learning activities are provided via learning and developing from experience – for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- (b) 20 per cent of learning activities are provided via learning and training through others – for example, personal or professional networks, coaching, mentoring, or feedback
- (c) 10 per cent of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

5.35 The program will include:

- (a) **core** professional development activities for the Mayor and all Councillors, which are identified and approved by the Chief Executive Officer (general manager) as being relevant to address required capabilities for all Councillors
- (b) **individual** professional development activities, such as training or education courses approved for an individual Councillor to address capabilities needed to effectively fulfil their role.

5.36 Professional development activities will be prioritised according to need and approved by the Chief Executive Officer (general manager) where Council funds are required in accordance with this policy.

5.37 Council will pay up to \$10,000 per Councillor per term to support approved individual professional development activities of the Mayor and Councillors. Expenditure will be monitored on a regular basis. This cost is in addition to funding for core professional development activities under clause 5.35(a).

5.38 Approval for professional development activities is subject to a prior written request to the Chief Executive Officer (general manager) outlining:

- (a) the details of the proposed professional development
- (b) the relevance to Council priorities and business
- (c) the relevance to the exercise of the Councillor's civic duties.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

- 5.39 In assessing a Councillor request for a professional development activity, the Chief Executive Officer (general manager) must consider the factors outlined in the above clause, as well as the cost of the professional development in relation to the Councillor's remaining budget.
- 5.40 Council staff will arrange and pay for all bookings and reservations associated with Councillors' attendance at approved professional development and training, including related travel and accommodation.
- 5.41 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 5.42 The Mayor and Councillors are expected to complete approved professional development activities.

Conferences and seminars

- 5.43 Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council, the community, and local government in NSW.
- 5.44 Council will pay expenses up to \$10,000 per Councillor per Council term to facilitate Councillor attendance at approved conferences and seminars.
- 5.45 The limit under the above clause applies to expenses other than those relating to attendance at the Local Government NSW Annual Conference and/or the National General Assembly in accordance with clause 5.52.
- 5.46 Approval to attend a conference or seminar is subject to the following arrangements:
- (a) a written request to be submitted to the Chief Executive Officer (general manager)
 - (b) conferences or seminars requiring more than two nights' accommodation must be authorised by way of a formal resolution of an Ordinary Meeting of Council
 - (c) for conferences or seminars held for a period less than two days, approval must be given jointly by the Mayor and the Chief Executive Officer (general manager), in writing.
- 5.47 In assessing a Councillor request, the approval authority must consider factors including the:
- (a) relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - (b) cost of the conference or seminar in relation to the Councillor's total remaining budget.
- 5.48 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer (general manager), subject to the maximum limits under clauses 5.2, 5.7 and/or 5.44 as applicable. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to clauses 5.22 to 5.25.
- 5.49 Council staff will make arrangements and organise payment for all bookings and reservations associated with Councillors' attendance at approved conferences or seminars, including related travel and accommodation.
- 5.50 After returning from an approved conference or seminar, Councillors must provide an information report as soon as practicable to be presented to an Ordinary Council meeting on the aspects of the conference relevant to Council business and/or the community. If two or more Councillors attend the same event, only one report is required to be submitted.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

5.51 The number of instances of Councillor non-attendance at approved conferences, that have not been notified to the Chief Executive Officer (general manager) prior to the event, will be included in Council's Annual Report.

Attendance at the Local Government NSW Annual Conference or the National General Assembly

5.52 Council will pay the following expenses, up to a maximum of \$20,000 for total Council representation per conference per year, for the Mayor and Councillors nominated by the Council to attend the Local Government NSW Annual Conference or the National General Assembly:

- (a) travel, accommodation, food and beverage costs that are considered appropriate by the Chief Executive Officer (general manager)
- (b) registration for the conference delegate and the delegate's accompanying person
- (c) tickets to the official dinner for the conference delegate and the delegate's accompanying person.

Information and communications technology (ICT) expenses

Mobile phone and computing devices and related equipment

5.53 Council will provide or reimburse Councillors for expenses, including reasonable repair, replacement or maintenance, up to a limit of \$10,000 per term for each Councillor that are associated with mobile phone and computing devices and related equipment, including software and applications. 5.54 Council will supply a 'standard kit' to Councillors if requested by a Councillor, within the above maximum limit. The Chief Executive Officer (general manager) will determine the standard kit required to support the Councillor requirements. Council staff will fully support items from the standard kit. The current standard kit contains a laptop, iPad for reviewing digital business papers and iPhone. Council may vary the standard equipment from time to time in accordance with organisational technology changes.

5.55 Alternatively, if Councillors choose to select and purchase their own devices, Councillors will be responsible for costs in excess of the maximum amount under clause 5.53. The maximum amount under clause 5.53 is to be reduced by expenses incurred by Council under that clause during the Council term. If Councillors purchase their own device and software, they do so with the understanding that Council staff will not service or support the device or software including licences.

5.56 Reimbursements will be made only for devices and services used for Councillors to undertake their civic duties, such as:

- (a) receiving and reading Council business papers
- (b) relevant phone calls and correspondence
- (c) diary and appointment management.

5.57 All items paid for in full by Council will be recorded as Council property and must be returned at the end of the term, unless purchased in accordance with this policy.

5.58 At the end of a Council term, Councillors may request to purchase the equipment at market price as determined by the Chief Executive Officer (general manager).

Mobile phone services and internet

5.59 Council will arrange and pay for a mobile phone plan for each Councillor, including calls, communications and data package, for Council business up to a value of up to \$100 per month for Councillors (other than the Mayor), or up to \$200 per month for the Mayor.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

- 5.60 Council will arrange and pay for additional international roaming charges associated with the mobile phone plan where the Councillor is travelling on Council business. International roaming is to be activated prior to international travel and removed upon the Councillor's return.
- 5.61 Where Councillors use a personal internet connection Council will reimburse up to 50 per cent of their monthly access fees, with a limit of \$50 per month.

Home office and stationery expenses

- 5.62 Each Councillor may be reimbursed up to a total limit of \$500 per year for all costs associated with the maintenance of a home office and stationery.
- 5.63 Costs under the above clause include:
- (a) purchase of a paper shredder
 - (b) printer ink cartridges
 - (c) printer paper
 - (d) postage stamps
 - (e) other minor items of consumable stationery
 - (f) printed Christmas or festive cards.
- 5.64 Councillors are to purchase these items, then submit a reimbursement claim form, with a copy of the tax receipt, to receive reimbursement.
- 5.65 In addition to the above, Council will provide the following to Councillors each year:
- (a) access to electronic Councillor letterhead, to be used only for correspondence associated with civic duties
 - (b) business cards – one box containing 250 printed cards per year
 - (c) access to electronic Council-branded Christmas or festive message
- 5.66 In addition to the above, if requested, Council will reimburse Councillors for an online subscription to two of the following newspapers or an equivalent alternative:
- (a) Newcastle Herald
 - (b) Sydney Morning Herald
 - (c) Australian Financial Review
 - (d) The Australian.
- 5.67 Council may arrange and pay corporate online subscriptions which are available to Councillors as determined by the Chief Executive Officer (general manager).
- 5.68 All tangible items for which Council has paid in full are to remain the property of Council.

Special requirement and carer expenses

- 5.69 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 5.70 Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

- 5.71 In addition to the provisions above, the Chief Executive Officer (general manager) may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 5.72 Councillors who are the primary carer of a child or other elderly, disabled and/or sick member of the Councillor's immediate family will be entitled to reimbursement of carer's expenses up to a maximum of \$6000 per year for attendance at official business and core professional development activities under clause 5.35(a), including reasonable travel from the principal place of residence.
- 5.73 Council will reimburse the costs associated with carer's expenses for up to one hour before and one hour after these events, upon presentation of a receipt within three months of the event.
- 5.74 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative. Council will reimburse charges in accordance with those recommended by Lake Macquarie Family Day Care less any Child Care Benefits paid by the Federal Government.
- 5.75 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer (general manager) that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Local community function expenses

- 5.76 Council will pay or reimburse the cost of attendance by Councillors at local business, community, and non-Council functions when it is relevant to Council's interest. Council will only pay or reimburse the cost of the ticket or registration fee, up to \$200 per event.

Accompanying person expenses

- 5.77 Council will not meet costs associated with an accompanying person when the Mayor or Councillors are performing official functions, except in the circumstances set out in clauses 5.52, 5.78 and 5.79.
- 5.78 For the Mayor and Councillors, Council will pay or reimburse the cost of the ticket for an accompanying person to official Council functions within Lake Macquarie City that are of a formal and ceremonial nature up to the cost of \$150 per person, per event.
- 5.79 For the Mayor, Council will pay or reimburse the cost of the ticket for an accompanying person to attend an official Council function or carry out an official ceremonial duty while accompanying the Mayor outside the city but within the state up to the cost of \$250 per person, per event. This also applies to the Deputy Mayor or a Councillor, when he or she is formally representing the Mayor.

6 Insurances

- 6.1 Council's policies cover Councillors in the following manner:
- (a) public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions)
 - (b) professional indemnity (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions)
 - (c) personal injury while on Council business. Workers compensation arrangements do not apply to Councillors.
- 6.2 Travel insurance for approved interstate and overseas travel on Council business. The insurance covers weekly benefits (injury), non-Medicare medical expenses and out-of-pocket expenses, overseas medical and additional expenses, baggage and personal effects, personal money, traveller's cheques, credit cards, personal liability, kidnap ransom and extortion, loss of travel deposit, and refund of excess following collision or theft.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

- 6.3 If a Councillor is involved in a motor vehicle accident, or notices damage to a Council vehicle prior to, during, or after use, they are responsible for reporting the damage to Council's Incident Hotline on 4921 0650. The custodian of the vehicle at the time of an incident must complete any subsequent insurance claim form.
- 6.4 For limitations on coverage, refer to the Office of Local Government - Guidelines for the payment of expenses and the provision of facilities for Mayor and Councillors in NSW, issued under section 23A of the Act.

7 Legal assistance

- 7.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- (a) a Councillor defending an action arising from the performance in good faith of a function under the *Local Government Act 1993* provided that the outcome of the legal proceedings is favourable to the Councillor
 - (b) a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
 - (c) a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 7.2 In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer (general manager) to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 7.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 7.4 Council will not meet the legal costs:
- (a) of legal proceedings initiated by a Councillor under any circumstances
 - (b) of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - (c) for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 7.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

PART C - Facilities

8 General facilities for Councillors

Facilities

- 8.1 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- (a) access to shared car parking spaces while attending Council offices on official business

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

- (b) personal protective equipment for use during site visits
 - (c) a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor
 - (d) the Mayor's Ante Room to share as a common working space for Councillors
 - (e) a fully serviced and maintained motor vehicle to share for Council business. Only Councillors or staff members are to operate this vehicle. The Councillor using the vehicle is responsible for all traffic or parking fines while travelling in the Council vehicle.
 - (f) upon request, the following items, per Councillor, per term: one dress shirt, one spray jacket and one hat.
- 8.2 Councillors may book meeting rooms for official business of Lake Macquarie City Council in the Administrative Centre at no cost. Rooms may be booked through the Council Business Support Administration Officer or the Mayor's Executive Administrator.
- 8.3 The provision of facilities will be of a standard deemed by the Chief Executive Officer (general manager) as appropriate for the purpose.

Administrative support

- 8.4 Council will provide reasonable administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by the Mayor's Executive Administrator, Council Business Support Administration Officer or by a member of Council's administration staff as arranged by the Chief Executive Officer (general manager).
- 8.5 Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

9 Additional facilities for the Mayor

- 9.1 Council will provide to the Mayor a fully serviced and maintained vehicle. The vehicle will be supplied for use on business and professional development.
- 9.2 The Mayor will reimburse Council for the cost of private travel undertaken using the Mayoral vehicle in accordance with Council's Executive Vehicles Private Use Contributions Methodology.
- 9.3 A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
- 9.4 Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 9.5 In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the Chief Executive Office (general manager).
- 9.6 Staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

PART D - Processes

10 Approval, payment and reimbursement arrangements

- 10.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

- 10.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 10.3 Council staff are empowered to question or refuse a request for payment from the Mayor or a Councillor when it does not accord with this policy.
- 10.4 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- (a) local travel relating to the conduct of official business
 - (b) carer costs
 - (c) ICT expenditure.
- 10.5 Final approval for payments made under this policy will be granted by the Chief Executive Officer (general manager) or their delegate.

Direct payment

- 10.6 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Chief Executive Officer (general manager) or their delegate for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 10.7 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Chief Executive Officer (general manager) or their delegate.

Advance payment

- 10.8 If requested, Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development so long as this falls within the maximum limit for the relevant expense.
- 10.9 The maximum value of a cash advance is \$150 per day of the conference, seminar or professional development.
- 10.10 Requests for advance payment must be submitted to the Chief Executive Officer (general manager) for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 10.11 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- (a) a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - (b) reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 10.12 If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 10.13 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Reimbursement to Council

10.14 If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- (a) Council will invoice the Councillor for the expense
- (b) the Councillor will reimburse Council for that expense within 14 days of the invoice date.

10.15 If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer (general manager). The Chief Executive Officer (general manager) may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

10.16 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

11 Disputes

- 11.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer (general manager).
- 11.2 If the Councillor and the Chief Executive Officer (general manager) cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

12 Return or retention of facilities

- 12.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 12.2 Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the Chief Executive Officer (general manager) to purchase any such equipment. The Chief Executive Officer (general manager) will determine an agreed fair market price or written down value for the item of equipment.
- 12.3 Mobile phone and computing devices will be cleansed to remove Council systems, data and accounts and removed from any Council use software subscriptions, prior to private use. Councillors are responsible for extraction of personal data and accounts stored or setup for devices or on Council accounts.
- 12.4 The prices for all equipment purchased by Councillors under the above clause will be recorded in Council's annual report.

13 Publication

- 13.1 This policy will be published on Council's website.

14 Reporting

- 14.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 14.2 A summary of expenses and facilities provided to Councillors will be published in Council's annual report.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

15 Auditing

15.1 The operation of this policy, including claims made under the policy, will be included in Council's internal audit program and an audit undertaken at least once during a Council term.

16 Breaches

16.1 Suspected breaches of this policy are to be reported to the Chief Executive Officer (general manager).

16.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- *Local Government Act 1993*, sections 252 and 253
- *Local Government (General) Regulation 2021*, clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees
- Councillor Induction and Professional Development Guidelines, 2019

Related Council policies:

- Code of Conduct for Councillors

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the

Policy - external Payment of Expenses and Provision of Facilities to Councillors

	Mayor
General Manager	Means the general manager/CEO of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
immediate family	In relation to a Councillor, means a: (a) spouse (b) de facto partner (c) child (d) parent (e) grandparent (f) grandchild (g) sibling (h) a child, parent, grandparent, grandchild or sibling of the Councillor's spouse or de facto partner
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix III where applicable
National General Assembly	Means the National General Assembly of Local Government, organised annually by the Australian Local Government Association
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of Council and committees of the whole • meetings of committees facilitated by Council • civic receptions hosted or sponsored by Council • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
primary carer	Means the person who most meets the needs of the child or adult person requiring care
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the <i>Local Government (General) Regulation 2021</i> (NSW)
term	Means a four-year Council term, commencing on the day of the first declaration of ordinary elections and ending on the day appointed for the next ordinary elections, in accordance with the <i>Local Government Act 1993</i>
year	Means the financial year, that is the 12-month period commencing on 1 July each year

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
 Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Appendix III: Summary of maximum amounts

The following summarises the main expenses and facilities provided under this policy. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$2000 per Councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	In accordance with required approval or Council resolution, up to: \$15,000 per Councillor \$30,000 for the Mayor	Per term Per term
Accommodation and meals	Daily limits set out at Appendix IV, subject to variation by the Chief Executive Officer (general manager)	Per meal/night
Refreshments for Council-related meetings	As approved by the Chief Executive Officer (general manager)	Per meeting
Professional development	\$10,000 per Councillor	Per term
Conferences and seminars	\$10,000 per Councillor	Per term
Attendance at <ul style="list-style-type: none"> - Local Government NSW Annual Conference, or - National General Assembly 	\$20,000 for total Council representation	Per conference
ICT expenses: <ul style="list-style-type: none"> (a) Mobile phone and computing devices and related equipment (b) Mobile phone plan including calls and data for Council business (c) Personal internet connection 	\$10,000 per Councillor Council supplied, up to \$100 per Councillor and \$200 for the Mayor \$50 per Councillor	Per term Per month Per month
Carer expenses	\$6000 per Councillor	Per year
Home office and stationery expenses	\$500 per Councillor for purchase of items such as paper, shredder, Christmas cards	Per year
Local community function expenses	Cost of ticket or registration fee up to \$150 per event	Per event
Accompanying person expenses	Cost of ticket for accompanying person for official Council function within Lake Macquarie City up to \$150 per person per event (for Councillors) Cost of ticket for accompanying person for Mayor to attend official Council function within NSW up to \$250 per person per event	Per event
Access to facilities to share as common Councillor working space	Provided to all Councillors	Not relevant

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Expense or facility	Maximum amount	Frequency
Council vehicle	One vehicle provided to the Mayor One vehicle provided for use of all Councillors	Not relevant
Reserved parking space at Council offices	Provided to the Mayor and Councillors	Not relevant
Furnished office	Provided to the Mayor	Not relevant

Appendix IV: Accommodation and meal rates

Accommodation	<p>Accommodation arrangements are to be made by Council staff in accordance with this policy. Where possible, accommodation will be booked within the vicinity of the event.</p> <p>Accommodation is to be at a reasonable rate.</p> <p>Reasonable rates are defined as:</p> <ul style="list-style-type: none"> - up to \$350 (including GST) per night for a major city or area - up to \$300 (including GST) per night for regional areas. <p>Accommodation bookings will include room and parking only.</p>
Meals	<p>A Councillor may claim meal expense reimbursement in accordance with this policy.</p> <p>Only actual and reasonable costs will be reimbursed.</p> <p>Reasonable rates are defined as:</p> <ul style="list-style-type: none"> • up to \$35 (including GST) for breakfast • up to \$30 (including GST) for lunch • up to \$50 (including GST) for dinner. <p>Council will not pay or reimburse 'tips' or gratuities related to meal and drink purchases.</p> <p>The Chief Executive Officer (general manager) may approve claims for reimbursement beyond the above under clause 4.23. Where a claim is not deemed reasonable the Councillor is responsible for the excess amount.</p>

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Objectives

The objectives of this policy are to:

- (a) enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- (b) enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- (c) ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- (d) ensure facilities and expenses provided to Councillors meet community expectations
- (e) support diversity of representation
- (f) fulfil Council's statutory obligations.

Review and Evaluation

This policy will be reviewed at least once in each Council term in accordance with legislative requirements.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Controlled Document Information

Authorisation Details

Folder No:	F2005/02168-001	TRIM Record No:	D10573329
Audience:	External - Councillors		
Department:	Communications & Corporate Strategy	Officer:	Coordinator Council Liaison - Loren Cousins
Key focus area(s):	Shared Decision Making		
Review Timeframe: Max < 4 years	4 years	Next Scheduled Review Date:	30 September 2025
Authorisation:	Adopted by Council - 25 July 2022		
Authorisation - Council Adoption Date:	25 July 2022		

Related Document Information, Standards & References

Related Legislation:	Local Government Act 1993 sections 23A, 252, 253, 254 and 418 Local Government (General) Regulation 2021 clause 217 and 403	(Relationship/Context) Identifies requirements and contents of the policy, exhibition requirements, and reporting requirements
Related Policies (Council & Internal):	Code of Conduct for Councillors – Council Policy	Use of Council Resources
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	Council Business Support Functions - Procedure	Identifies the procedure and requirements for arranging accommodation and travel for Councillors and processing claims for reimbursements
Standards COP's & Other References	The Office of Local Government – Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW	Provides Guidelines and explanation relating to the payment of expenses and provision of facilities for Mayors and Councillors in NSW

Definitions

Term / Abbreviation	Definition
Council	Lake Macquarie City Council

Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Legal, Financial Services, Business Information Technology Solutions, Council Business Support
---	--

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Version History

Version No	Date Changed	Modified By	Details and Comments
0	11/07/2005	G. Brown	General Review and update
1	24/10/2005	G. Brown	New Template and links to SafeTsmart
2	28/03/2006	L. Linstead	Added new clause authorising Councillors to claim reimbursement for local functions. Edited insurance section, and changed overall format.
3	27/11/2006	L. Linstead	Reviewed the policy against new guidelines from Department of Local Government. Changed the title and added new allowable expense types, limits, and procedural requirements.
4	27/11/2007	L. Fitton	Reviewed the policy against the guidelines from Department of Local Government
5	18/11/2008	G. Brown	Annual Review – minor amendments to the provision of travel expenses local, and parking spaces for Councillors. Council Resolution – 10/11/2008
6	17/09/2010	G. Brown	Annual Review – changes to vehicle rate per kilometre, minor amendments to wording, travel overseas, travel expenses and personal benefit.
7	28/11/2011	T. de Boer	Annual Review – changes to vehicle rate per kilometre, changes to template
8	14/03/2013	L. Crowe	Annual Review – minor amendments to wording, inclusion of <i>Professional Development</i> section, updates to Provision of Facilities, Equipment, and Services section concerning Information Technology equipment provided by Council, changes to Internet Access options, changes to meals provided at Committee Meeting evenings and inclusion of <i>Vehicle – other</i> to cover the purchase of Bluetooth devices for Councillor vehicles.
9	08/10/2014	R. Hamilton	Annual Review – Amendments to wording, conditions and rates, including; Change from Council policy adoption to Council Resolutions for Insurance expenses and obligations. Change from Council Resolution to Council policy adoption for Travel Expenses – Local and Travel Expenses – Interstate. Updated additional information for Insurance, Expenses and Obligations. Merged Seminars, Conferences and Training into one aligned policy and elaborated on the Council payment procedure. Removal of the reimbursement of landlines as Councillors have Council owned mobile phones and elaborated on monthly reimbursement process. Removed Training and Education Expenses and merged with Seminars, Conferences and Training. Updated kilometre reimbursement for Travel Expenses – Local and Travel Expenses – Interstate to align with the NSW Local Government State Award, also added a clause to include private benefit by way of loyalty programs and travel bonuses not permitted, change to the process of travel bookings.
10	27/10/2015	R. Hamilton	Annual Review – minor amendments to wording and formatting to sections including: <i>Policy Objectives</i> - minor wording amendment Addition of titles at the top of each tables on each page <i>Travel Expenses – local</i> – changed date to show current vehicle allowance rates have been checked against the current rates determined in the Local Government (State) Award <i>Travel Expenses – interstate</i> - changed date to show current vehicle allowance rates have been checked determined in the Local Government (State) Award <i>Kilometres – use of private vehicles</i> - changed date to show current vehicle allowance rates have been checked determined in the Local Government (State) Award <i>Controlled document information</i> – amended related policy and procedure document names to reflect current versions.
11	24/02/17	K.McNaughton	Within 12 months of Local Government Review – minor amendments to

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

Policy - external Payment of Expenses and Provision of Facilities to Councillors

Version No	Date Changed	Modified By	Details and Comments
			<p>wording and formatting to sections including:</p> <p><i>Statement on Scope</i></p> <p><i>Travel Expenses – local</i> – changed date to show current vehicle allowance rates have been checked against the current rates determined in the Local Government (State) Award</p> <p><i>Travel Expenses – interstate</i> - changed date to show current vehicle allowance rates have been checked against the current rates determined in the Local Government (State) Award</p> <p><i>Kilometres – use of private vehicles</i> - changed date to show current vehicle allowance rates have been checked against the current rates determined in the Local Government (State) Award</p> <p>Updated information to insurances and obligations, electronic device and telephone call charges Addition of provision of paper shredder and Bluetooth hands free device</p> <p><i>Controlled document information</i> – amended related policy and procedure document names to reflect current versions.</p>
12	25/05/2020	L. Cousins	Substantial re-write of policy to reflect Office of Local Government’s Better Practice template for Councillor expenses and facilities policy (June 2017) and Office of Local Government’s Induction and Professional Development Guidelines (Dec 2018).
13	25/07/2022	L Cousins	Policy review within 12 months of December 2021 local government elections. Included amendments to IT and home office and stationery expenses. Inserted provision to allow Councillors to request to forego all or part of their annual fee in exchange for Council making contributions to a complying superannuation fund on their behalf.