


Councillors Expenses and Facilities Policy

As amended 20 October 2009



 <p>STRATHFIELD COUNCIL</p>	<h1>POLICY</h1>		
TITLE	Councillors Expenses and Facilities Policy		
DATE ADOPTED	14 June 1994	MINUTE	419/95
REVISED	20 October 2009	REVIEW	2010
RECORD	D/W no: 217363		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • Anti-Discrimination Act 1977 • Income Tax Assessment Act 1997 • Independent Commission Against Corruption Act 1988 • Local Government (General) Regulation 2005 • Local Government Act 1993 		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Code of Conduct • ATO ID 2007/205 • ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources • Department of Local Government Circular 06-07 • Department of Local Government Circular No 05/08 – Legal Assistance for Councillors and Council Employees and No 02/34 – Unauthorised Use of Council Resources 		

PART 1 INTRODUCTION

1.1 Title and Commencement

This policy is titled *Councillors Expenses and Facilities Policy*.

This policy was adopted by Council on 6 February 2007 and was last amended on 20 October 2009. The policy was formerly titled *Payment of Expenses and Provision of Facilities Policy for Councillors* and was first adopted by Council on 14 June 1994.

The following amendments have been made to this policy:

Date	Minute	Type	
1.8.95	419/95	Revision	
2.4.96	169/96	Revision	
17.11.98	405/98	Revision	
5.6.01	309/01	Revision	
14.10.03	337/03	Revision	
6.7.04	133/04	Revision	
19.7.05	208/05	Revision	
6.12.05	370/05	Revision	
5.9.06	194/06	Revision	
6.2.07	20/07	Revision	
20.2.08	Administrative	Revision	Update reference in Part 4 to ATO Interpretative Decision 2007/205 regarding superannuation contributions inserted.
16.9.08	Administrative	Revision	Insert reference to use of Council resources consistent with Code of Conduct amended by Council on 5 August 2008
20.10.2009	365/09	Revision	Increases allowances for training and home expenses. Supersedes Council minute 142/08

1.2 Background and purpose

The policy is established in accordance with the Local Government Act 1993 which requires Council to adopt a policy setting out the provisions for payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to their roles in discharging their civic office function.

1.3 Policy Objectives

The policy is made under sections 252 to 254 of the Local Government Act 1993, which requires that Council must adopt a policy concerning the payment of expenses and provision of facilities to the Mayor and Councillors.

The objectives of this policy are:

1. Promote public accountability and transparency in the reimbursement of expenses incurred by the Mayor and Councillors.
2. To provide for the fair and equitable payment and reimbursement of certain expenses, not considered to be included in the annual fees payable under sections 248 – 254A of the Local Government Act, where such expenses are incurred by the Mayor and Councillors in discharging the functions of civic office.

3. To ensure that adequate facilities and resources are made available to the Mayor and Councillors to carry out their civic duties and fulfil their role as responsive and responsible community representatives.
4. To encourage participation by all eligible citizens in leadership of local government by providing fair and equitable access to facilities which promote and support diversity of community representation.
5. To fulfill the statutory responsibilities of Section 252 of the Local Government Act and the Local Government (General) Regulations, having regard to:
 - The Department of Local Government publication “Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW” – September 2006.
 - Department of Local Government Circular No 05/08 – Legal Assistance for Councillors and Council Employees and No 02/34 – Unauthorised Use of Council Resources
 - Council’s Code of Conduct and ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources
 - Other relevant publications.

1.4 Reporting Requirements

Section 428(2)(f) of the Local Government Act 1993 requires councils to include in their annual report:

- council’s policy on the provision of facilities for, and the payment of expenses to, mayors and councillors
- total amount of money expended during the year on providing those facilities and paying those expenses
- additional information as required by regulations

Clause 217 of the Local Government (General) Regulations 2005 requires reporting:

- cost of phone calls including mobiles, home located landlines, facsimile and internet services
- spouse/partner/accompanying person expenses
- conference and seminar expenses
- training and skill development expenses
- interstate travel expenses
- overseas travel expenses
- care and other related expenses
- cost of the provision, including rental, of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones etc.

PART 2 FACILITIES FOR MAYOR AND COUNCILLORS

2.1 Ethical Use

Councillors are required to use council's resources in accordance with Council's Code of Conduct (as amended 5 August 2008) which states:

- You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- The interests of a Councillor in their re-election are considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for these purposes.
- You must not convert any property of the Council to your own use unless properly authorised.
- You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

2.2 Councillors Facilities

The facilities available to all councillors to discharge the functions of civic office are as follows:

- a) Upon commencement of councillor office, Council will provide each Councillor a personal desktop or laptop computer (including monitor, keyboard, mouse and appropriate software), and a mobile phone or PDA to the retail value of \$2500. Council will replace or update equipment where required.
- b) On an annual basis, a councillor can claim reimbursement for purchases of home office equipment to the maximum retail value of \$1000. Home office equipment may include office furniture (ie desk, chair), technology (ie printer, fax, consumables) etc. Claims for reimbursement must be accurately documented.

Council will reimburse to the limit of \$150 per month for council related phone calls (including PDAs) for councillors (including mayor and deputy mayor). In order to be entitled to the reimbursement of telephone calls, the Councillor must:

- make his/her telephone and facsimile numbers available to the public to ensure that he/she is accessible to the residents and ratepayers of Strathfield Municipality
- identify all mobile telephone calls associated with his/her duties as councillor on his/her mobile telephone account

- meet the cost of any private usage (eg calls not relating to official functions of Council)
 - Charges in excess of \$150 per month (including GST) are the responsibility of the Councillor and will be paid to Council within 30 days of request.
- c) All councillors are provided with remote access to Strathfield's Councillor Intranet, an online facility providing information and documents to support and assist Councillors in their official duties.
 - d) Council will reimburse the costs of internet access (including broadband) from their homes to assist councillors in accessing information, including Councillor Intranet and business papers electronically. Council will reimburse councillors cost of set-up (\$200 limit) and a monthly access charge limit of \$50.00 per month (including GST). Reimbursement will be made only if appropriate documentation is submitted to support the claim for expenses.
 - e) Council will provide councillors with Councillor's letterhead stationary and envelopes as required. Letterheads must be used only for Council business
 - f) Council will pay for postage of official correspondence provided that all mail is directed through Council's mailing system and a copy of correspondence is maintained on relevant council records.
 - g) A suitable name badge
 - h) Council will annually provide 500 councillor business cards (replenished annually)
 - i) Meals on evenings of council meetings and official dinners are available to councillors. Light refreshments will be available for meetings/training of short duration eg briefing sessions. Meals and refreshments will make provision for dietary and medical considerations.
 - j) Access to Council meeting rooms for matters requires approval of the General Manager and must relate to the business of Council. Council facilities are not to be used for political or private purposes.
 - k) Use of a councillor's room at Strathfield Council to assist councillors in dealing with Council business generally. The room is to be equipped with telephone, computer, printer, scanner and appropriate software. Councillors may have access to meetings room at Strathfield Council for matters directly related to Council business by approval of the General Manager. Council facilities are not to be used for political or private purposes. Use of the Council Chambers is restricted to Civic occasions only (hosted by the Mayor or the Mayor's representative), or authorised by the General Manager
 - l) Councillors can make a request to the General Manager for use of a vehicle from Council's fleet to attend Council official business. Approval will be granted for any reasonable request, subject to availability of vehicles.
 - m) Secure parking for Councillors is available in the Council staff parking area at Strathfield Council administration building.

2.3 Mayor

In addition to those facilities provided to the Councillors, the Mayor in carrying out the duties of that office, is entitled to receive the benefit of the following facilities subject to conditions without reduction of fees payable under s248 and/or 249 of the Act:

- a) Use of ceremonial clothing such as the Mayoral robes and Mayoral chains for official, civic or ceremonial use.
- b) A suitable name badge for the Mayor
- c) An appropriately furnished office at Strathfield Council including phone and other office incidentals. The Mayor will be provided with security access to the Mayor's Room. The above key remains the property of the Council and must be returned to Council upon the person ceasing to hold office.
- d) Mayoral letterhead for use by the Mayor for official correspondence including Christmas cards.
- e) 1000 Business cards for his/her role as Mayor (replenished annually).
- f) Council will provide secretarial and administrative assistance relating to the discharge of the Mayor's civic functions.
- g) Refreshments essential for the running of the Mayoral office will be made available by Council.
- h) Council will allocate a vehicle for use of the Mayor for official business from Council's fleet. The vehicle will be replaced from time to time as authorised by the General Manager.
 - The maximum cost of a fully maintained vehicle (including charges for registration, fuel, tyres, servicing and financing) is \$10,000 (including GST) annually. The vehicle will be replaced from time to time as authorised by the General Manager.
 - The fuel card is to be used only in relation to the allocated vehicle.
 - The vehicle is for the primary and dedicated use by the Mayor. The Mayor and authorised Council staff members are entitled to drive the Mayoral vehicle.
 - The Mayoral vehicle will be allocated a dedicated parking space at Council.

2.4 Deputy Mayor

The Deputy Mayor, at the sole discretion of the Mayor, may have the use of the facilities provided to the Mayor except for the Mayoral robes and Mayoral Chain and Mayoral vehicle. When the Deputy Mayor is acting in the position of Mayor due to the absence of the Mayor, the Deputy Mayor will have use of the facilities allocated to the Mayor. Council will also provide to the Deputy Mayor:

- a) A suitable name badge.
- b) Refreshments to the Deputy Mayor when fulfilling his/her duties as required.

The person appointed Acting Mayor by resolution of the Council is authorised to wear the Mayoral Robes and Chain of Office but in no other circumstances is the Deputy Mayor to wear them.

2.5 Private use of equipment and facilities

Councillors are not entitled to private benefit in respect to the provision of Councillor's equipment and facilities, however Council acknowledges that incidental private use may occur from time to time which is not subject to a compensatory payment.

Where the Mayor (or if the councillor concerned is the Mayor, then the Deputy Mayor) and the General Manager decide that a councillor's private use is more than incidental, the councillor shall compensate Council for the private use within 30 days of request.

Council is entitled to deduct from the councillor's fees any amounts outstanding after 30 days from request. Where councillors wish to use Council's home office equipment for more than one hour per week for private use, private use of home office equipment is authorised on approval of a councillor's application by the General Manager and where the specified payment is made.

Approval for private use arrangements are made on an annual basis and councillors must apply for continued private use.

Applications must be made in the form of the *Private Use of Council's Home Office Equipment Councillor Application Form* attached to this policy.

2.6 Requests for facilities

Requests for facilities shall be made to the General Manager's Office. All requests that conform to this policy will be provided by the Council as soon as practicable.

2.7 Maintenance of Council property

The equipment provided by Council to councillors is for the exclusive use of the councillor for Council business. Councillors are not permitted to loan the equipment to a third party. Councillors shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.

PART 3 PAYMENT OF EXPENSES

3.1 General Provisions

3.2 Allowances and expenses

Council does not provide general allowances to councillors. Councillors are entitled to only the expenses set out in this policy provided that they satisfy the stated requirements.

3.3 Payment in Advance

It is recognised that the nature of expenses necessarily incurred by the Mayor or Councillors are such that the expenses may need to be prepaid on occasions, particularly for attending conferences, seminars and training away from home.

Payments in advance require the approval of the Mayor and the General Manager.

In the event of an approval being given, a reconciliation of the funds expended, receipts and funds not expended, is to be submitted to the General Manager within seven (7) working days of the purpose of the payment in advance eg conclusion of conference or seminar.

3.4 Reimbursement of expenses

Councillors must seek reimbursement of expenses under this policy by lodgement of a formal written claim no later than three weeks after the expense was incurred. Each claim must include original receipts, or tax invoices (where GST applies), to be considered for reimbursement. Reimbursement of travelling expenses shall state the following:

- Time and place of departure
- Time and place of arrival
- Distance travelled
- Fares and parking fees paid, attaching receipts where possible
- Number of days and hours occupied in travelling to and from the conference/seminar/training courses and attending Council meetings or on the authorised business of Council.
- Total amount of claim

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

3.5 Establishment of monetary limits and standards

3.5.1 Meals

The maximum claimable amount for each meal is:

Breakfast	\$25.00
Lunch	\$36.00
Dinner	\$55.00

3.5.2 Incidental expenses

The maximum claimable amount for incidental expenses on a daily basis is \$21.35

3.5.3 Single travel trips

Councillors are entitled to use public transport or taxi transport provided that the cost of a single trip does not exceed \$50.00 (including GST), unless otherwise approved by the Mayor and General Manager.

3.5.4 Spouse and partner expenses

Council will not meet registration fees for a partner accompanying a delegate on conferences, training sessions or seminars. The councillor, including any expenses incurred in an accompanying person's program, will meet all expenses.

3.6 Seminars, Training and Conferences budget allocation

Strathfield Council allocates the amount of \$22,500 to cover expenses associated with attendance at conferences, seminars and training sessions. The budget is made up of \$12,500 for conferences and seminars and \$10,000 for training.

3.6.1 Attendance at Seminars and Conferences

Councillors may attend conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to Council business and where the Mayor and/or Councillor(s) have been appropriately authorised to attend as a participant, delegate or observer.

Requests for attending conferences should generally be in writing outlining the benefits for Council. Approval for attending conferences or discretionary trips should be approved by a full meeting of Council. If this is not possible or expedient, the Mayor and General Manager should jointly give approval.

After returning from the conference, councillors or a member of council staff accompanying the councillor(s), should provide a written report to council on the aspects of the conference relevant to council business and/or the local community.

No written report is required for the Annual Conferences of the Local Government and Shires Association.

Council will pay all normal registration costs for delegates attending conferences, seminars or training sessions including the costs of related council luncheons, dinners and tours which are relevant to the interests of Council or assist Councillors to discharge the functions of their civic office.

3.6.2 Training Courses

Council allocates \$10,000 on an annual basis for Councillor attendance at training and educational sessions to support and encourage an active learning process and skills development relevant to the councillor's civic functions and responsibilities. This amount is additional to funds allocated to attendance at seminars and conferences related to council functions.

Council encourages Councillors to undertake training and educational courses, and to attend seminars or briefings from key members of the community, politicians and business that are directly related to the civic functions and responsibilities.

Councillors who wish to attend a training and educational course, or attend a seminar or briefing, must provide a written request to the General Manager stating the reasons why the

councillor wishes to attend and what benefits it will bring to Council, unless invited to attend by the Mayor.

3.7 Accommodation

Council will pay for accommodation for conferences, seminar or training sessions, which are held outside of the Sydney Metropolitan Area. Council will not pay for accommodation within the Sydney Metropolitan Area.

Delegates will be accommodated in the hotel where the conference, seminar or training session is being held or the nearest hotel to the conference, seminar or training session of a similar standard.

Council will provide accommodation for delegates at the rate of a double room including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

3.8 Travel within the Sydney Metropolitan Area

Councillors may claim kilometre allowance for use of private vehicles when used to travel (including return) between their place of residence and:

- to attend Council or Committee meetings of which they are a member
- appointments within the Strathfield Municipality involving Council business
- inspections within Strathfield Municipality undertaken in compliance with a resolution of the Council
- attending public meetings convened by the Council
- functions or meetings where they act as a representative of the Mayor or Council when requested by the Mayor
- attending training sessions or seminars approved by Council
- kilometre rates for such travel will be paid at the rate set by the appropriate Local Government Industrial Award, as at the date of travel
- travel is undertaken expediently and by the shortest practicable route subject to personal medical considerations or special needs

Council will meet the cost incurred of authorised travel by public transport or taxi in the circumstances listed above. Payment is subject to a formal claim form being lodged not later than three (3) months after the travel occurred, with attached receipts, if appropriate

The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business. Where the councillor is not the driver, the councillor shall ensure that all traffic or parking fines are paid.

Councillors are entitled to use public transport or taxi transport provided that the cost of a single trip does not exceed \$50.00 (including GST), unless otherwise approved by the Mayor and General Manager.

3.10 Travel outside the Sydney Metropolitan Area Including Interstate Travel

Council will meet all reasonable travel costs associated with an approved attendance. Travel may be by air, private or hire car, train or taxi. Payment shall not exceed the cost of an economy class airfare to and from the particular destination.

Prior approval of travel is required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

Where air travel is approved, Council will pay for economy class. Depending on the location or circumstances, it may be more appropriate for travel to be undertaken by car or train. Travel by private or hire vehicle shall be subject to prior approval from the General Manager and provided that:

- a) the travel is undertaken expediently, and by the shortest practicable route, subject to personal medical considerations or special needs. Any costs incurred in anything other than Council business shall not be included in expenses paid by Council.
- b) Council will reimburse Councillors with travelling expenses incurred in his/her own vehicle, on the basis of the rate per kilometre set down in the appropriate Local Government Industrial Award. Parking station fees will also be met but claims for repairs or accidental damage to the Councillor's own car will be covered in the payment per kilometre.
- c) payment will not exceed the cost of economy class airfares to and from the particular destination
- d) Council will meet reasonable travel costs for Councillors/delegates to and from the conference location and venue will be met by the Council, including costs of transferring delegates from the airport to the hotel and return at the conclusion of the conference/seminar/training course.
- e) Should a delegate be accommodated in a hotel not being the site of the conference/seminar/training course, and the delegate is travelling in their own vehicle, Council will meet the cost of travelling from the hotel to the site of the conference/seminar/ training course and return each day to the conference/seminar/ training course.
- f) All other transfers are to be met by the delegate.
- g) The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.
- h) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to approval by the General Manager. Councillors using private vehicles in accordance with this Policy may claim the kilometre allowance at the date of travel as previously mentioned. Costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences, will be reimbursed by the Council upon presentation of official receipts and completion of the necessary claim forms.
- i) Council is unable to nominate a reimbursement limit as travel costs may vary outside of Sydney Metropolitan Area, however it is expected that Councillors will endeavour to minimise expenses to reasonable limits.

3.12 Incidental Expenses

Delegates are entitled to reimbursement of reasonable incidental expenses associated with attending conferences, seminars or training courses. Reimbursement requires presentation of official receipts and completion of claim forms. Reimbursement limits are outlined in the section on 'Establishment of monetary limits'.

3.12.1 Meals

Council will meet the cost of breakfast, lunch and dinner for delegates where any of these meals are not provided as part of the conference/seminar/training course. Council will also meet the cost of reasonable drinks accompanying the meal. Reimbursement amounts are outlined in the section on 'Establishment of monetary limits'.

3.12.2 Laundry

Council will not meet the cost of laundry or dry cleaning services. Such services are to be met by the delegate.

3.12.3 Tipping

Council will not meet the cost of any tips provided by the delegate.

3.12.4 Bar Fridge

Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room.

3.12.5 Bar Service

Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where delegates are reciprocating hospitality extended to them by other delegates or observers.

3.13 Overseas Travel

Council should avoid international visits unless direct and tangible benefits can be established for the Council and the local community. If Council is proposing any overseas travel, detailed proposals should be developed, including nomination of the councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit should also be provided.

Overseas travel must be approved by a meeting of the full council prior to a councillor undertaking the trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Travel proposals should be publicly notified in the agenda for council meetings. The use of a Mayoral Minute to obtain council approval for travel is not appropriate as there should be public notification of Council's intention to consider the matter prior to the meeting.

After returning from overseas, councillors, or an accompanying member of council staff, should provide a detailed written report to council on the aspects of the trip relevant to council business and/or the local community.

Councillors are also strongly encouraged to report back on their overseas travel to a full meeting of the council. Details of overseas travel must also be included in council's annual reports.

Council is also required to report on the benefits of any proposed overseas sister city relationships.

3.14 Attendance at dinners and other non-council functions

Council may meet the cost of councillors' attendance at dinners and other non-council functions, which provide briefings to councillors from key members of the community, politicians and business.

Approval to meet expenses should only be given when the function is relevant to the council's interest. Only the cost of the service provided will be met.

No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

3.15 Carer and Other Related Expenses

Council will reimburse reasonable costs of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members for whom they have caring responsibilities, while attending:

- Council meetings
- Council Committee meetings
- Other Council related business eg conference, seminars, briefing sessions called by Council or Mayor.

Council will make provision for the payment of other related expenses associated with the special requirements of councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

Council will reimburse councillors for reasonable care costs paid to providers (other than their immediate family, spouse or partner) up to one hour before and after such meetings (based on advertised commencement time). Reimbursement of expenses requires production of appropriate receipts and tax invoices.

Assessment of claims and determination of reasonable rate of reimbursement will be made by comparison to cost of available services in local area.

PART 4 INSURANCE - COUNCILLORS

4.1 Personal

Council shall provide for the insurance of a Councillor against personal injury whether fatal or not arising out of or in the course of carrying out duties or the performance by such Councillor in functions in his/her capacity as a member of Council.

4.2 Legal Action

Council will provide indemnity insurance for Councillors to cover reasonable legal expenses in accordance with the following:

4.3 Professional Indemnity & Public Liability

Council shall provide for the insurance of a Councillor against claims arising from Councillor performance of their civic duties or in the exercise of their functions as Councillors provided the performance of the relevant duty or function is in the opinion of Council to be bona fide and/or proper.

Any indemnity is subject to any limitations or conditions set out in the current policy of insurance held by Council, compliance with the instructions of Council's insurers and/or legal advisers in the event that notification is made, and full disclosure being made of the circumstances which gave rise to the claim.

This insurance is subject to the limitations set out in (i)-(v) below.

- i. defending actions arising from the performance in good faith of functions under the Local Government Act; and
- ii. defending actions in defamation provided the statements complained of were made in good faith in the course of exercising functions under the Act; and
- iii. for proceedings before the Local Government Pecuniary Interest Tribunal or an investigative body provided that the subject of the proceedings arises from the performance in good faith of functions under the Act and the Tribunal or investigative body makes a finding substantially in favour of the Councillor.
- iv. If a councillor wishes to claim indemnity under Council's policy, Council must be advised as soon as practicable prior to any expenses being incurred. The Councillor must comply with any reasonable directions of Council's insurer and/or the General Manager in defending any action initiated by another party. Where legal or other advice to settle a matter is received, consent must not be unreasonably withheld. In the event that consent is unreasonably withheld, Council will not be liable for ensuing defence costs.

Costs incurred prior to advice in (iv), and subsequent determination that the action was bona fide or proper will not be covered.

Any reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

Council will not indemnify legal expenses where the proceedings do not arise from carrying out of functions under the Act and having regard to Section 731 of the Act eg an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain.

Council will not indemnify legal costs for

- any action in defamation where a Councillor is the Plaintiff
- any fraudulent dishonest criminal or malicious act or omission
- any deliberate breach of any statute regulation or contract

Where it is proven (by admission or by finding of a court Tribunal or the like) that full disclosure has not been made, or the action was in disregard of the Council's interests, Council reserves the right to recover payments made from the Councillor concerned.

4.5 ICAC Inquiries

Councillors will be entitled to reimbursement of reasonable legal expenses incurred in connection with an inquiry conducted by ICAC in the following circumstances:

- Council is advised as soon as practicable prior to any expenses being incurred with the exception of those situations in which the ICAC requires that the matter remain confidential
- In the opinion of Council the involvement of the Councillor in the inquiry is directly related to their role as a councillor and the bona fide and/or proper discharge of their duties and functions of civic office.
- The bona fides and the conduct of the Councillor is not in any way questioned by the ICAC in its findings.

Legal expenses for appearance before an enquiry will not be met by council in circumstances where an application for legal assistance under Section 52 of the Independent Commission Against Corruption Act 1988 has been approved however reasonable expenses incurred prior to appearances at an enquiry or subsequently will be considered.

The amount of assistance will be limited to the amount determined by the Attorney General's department for legal assistance from time to time as provided for under Section 52 of the Independent Commission Against Corruption Act 1988.

Legal expenses will only be paid retrospectively following publishing by the ICAC of its findings.

4.6 Additional Mayoral Expenses

There are no additional Mayoral expenses provided under this policy. The Mayor is provided with the same expenses as Councillors.

PART 5 – OTHER MATTERS

5.1 Acquisition and returning of facilities and equipment by councillors

The equipment issued to councillors remains the property of Council and shall be returned on completion of the term of office. However, upon ceasing to be a councillor or in the event of Council deciding to dispose of the equipment, a councillor may request the purchase of such equipment. The General Manager shall consider each request and consider Council's leasing arrangements of such equipment. If the equipment is available to be sold, the General Manager will determine an "appropriate purchase price" based on a fair market value and as suggested by the leasing company or the general market.

5.2 Superannuation contributions

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.



PRIVATE USE OF COUNCIL HOME OFFICE EQUIPMENT AND/COMMUNICATION DEVICES

Councillor application form

In accordance with Council's Payment of Expenses and Provision of Facilities to Councillors Policy, Councillors are required to reimburse payments for use of home office equipment or communication devices for non-Council related business. It is recognised that limited, incidental private use may occur up to 1 hour per week or 4 hours per month, which does not attract require repayment.

Form should be submitted on a monthly basis, if a declaration is required to be made. Details of costs incurred such as phone bills can be requested from Council.

Name:

Address:

Telephone:

Declaration of private use of home office equipment and/communication devices

Month:

Details of private & non-Council usage of equipment or communication expenses eg number of hours, cost of calls etc:

Payment method

Councillors can opt to reimburse expenses through deduction from councillor's fees or arranging payment by cash/credit card/cheque. Please nominate preferred method of payment:

I wish to have the amount of \$..... deducted from my councillors fees.

Payment for the amount of \$..... is attached.

Signature:

Date:



REIMBURSEMENT OF EXPENSES

Councillor application form

In accordance with Council's Payment of Expenses and Provision of Facilities to Councillors Policy, Councillors can claim reimbursement of expenses incurred on Council related business.

Form should be submitted soon as practicable after incurring expenses. Copies of receipts or invoices should be attached to this form.

Name:

Address:

Telephone:

Purpose of expense:

Date(s) of expenses:

Details of expenditure

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Signature:

Date: