



## CIVIC EXPENSES AND FACILITIES POLICY

Adopted: 6 February 2019

TRIM: 066168.2019



## 1. PURPOSE/ OBJECTIVES

- 1.1 The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.
- 1.2 The objectives of this policy are to:
- a) Give guidance to the Mayor and Councillors as to what facilities and resources are available to them;
  - b) Provide a public statement as to how Council sets the payment of fees, and other support allowances, for the Mayor and Councillors when they carry out their role as an elected member;
  - c) Implement Council's legislative responsibility in adopting a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

## 2. LEGISLATIVE AND GOVERNANCE REQUIREMENTS

### 2.1 Local Government Act 1993

- 2.1.1 The *Local Government Act 1993* (the Act) requires that Council adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.
- 2.1.2 This policy is made in accordance with sections 252, 253 and 254 of the Act and clause 403 of the *Local Government (General) Regulation 2005* (the Regulation).
- 2.1.3 Section 252 (1) of the Act requires that, within the first 12 months of each term of a council, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- 2.1.4 Section 252(3) of the Act states that a council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- 2.1.5 Section 252 also provides for a Council to reduce the amount payable to the Mayor and Councillors by the amount representing any private benefit of a facility provided by the Council to them. It also requires that the policy be made under the provisions of the Act, the Regulation and any relevant guidelines issued under section 23A of the Act.
- 2.1.6 Section 253 specifies actions that Council must undertake before a policy concerning expenses and facilities can be adopted or amended.
- 2.1.7 Section 253 states:
- 1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*

- 2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- 3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.*
- 4) *(Repealed)*
- 5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

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

2.1.9 The *Government Information (Public Access) Act 2009* provides that the public is able to inspect during office hours at Council, and at no charge, the current version and the immediately preceding version of the Council's expenses and facilities policy. The public is also entitled to a copy of the policy, either free through Council's website, or on payment of a reasonable copying charge. (For details see Council's Agency Information Guide.)

2.1.10 Section 23A of the Act provides for the Chief Executive of the Office of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

## **2.2 Local Government (General) Regulation 2005**

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

- (1) *For the purposes of section 428 (4(b)) of the Act, an annual report of a Council is to include the following information:*
  - (a) *Details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the Council (including visits sponsored by other organisations),*
  - (a1) *Details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the Council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
    - i. *The provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*

- ii. *Telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
- iii. *The attendance of councillors at conferences and seminars,*
- iv. *The training of councillors and the provision of skill development for councillors,*
- v. *Interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- vi. *Overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- vii. *The expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for mayors and councillors for local councils in NSW prepared by the CEO from time to time,*
- viii. *Expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

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

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

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

## **2.3 Guidelines for the payment of expenses and the provision of facilities for mayors and councillors for local councils in NSW**

2.3.1 In October 2009, the former Division of Local Government issued updated guidelines to assist councils review and prepare policies on the payment of expenses and provision of facilities for mayors and councillors in local councils in NSW.

## **2.4 Guidelines issued by the Office (formerly Division) of Local Government**

2.4.1 This Policy takes into account the following Circulars:

- a) Circular 08/03 Findings from review of councillor expenses and facilities policies;
- b) Circular 08/24 Misuse of council resources;
- c) Circular 08/37 Council decision making prior to ordinary elections;
- d) Circular 09/36 Release of revised councillor expenses and facilities guidelines;
- e) Circular 10/26 Misuse of council resources.

**2.5 The Model Code of Conduct for Local Councils in NSW**

2.5.1 This policy is consistent with the Model Code of Conduct for Local Councils in NSW, Division of Local Government March 2013. The following clauses of Council's Code of Conduct are particularly relevant to section 252 policies:

*7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*

*7.14 You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*

*7.15 You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.*

*7.16 You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.*

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

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

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

**2.6 ICAC Publication: No excuse for misuse, preventing the misuse of council resources**

2.6.1 This policy takes into account the Independent Commission Against Corruption (ICAC) publication, *No excuse for misuse, preventing the misuse of council resources* (Guidelines 2) November 2002. This publication is available on the ICAC website at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

**3. DEFINITIONS**

**Act** means *the Local Government Act 1993*.

**Guidelines** refer to the Office of Local Government Guidelines for the payment of expenses and the provision of facilities for mayors and councillors for local councils in NSW.

**Policy** means the Civic Expenses and Facilities Policy.

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

**Remuneration Tribunal** refers to the Local Government Remuneration Tribunal.

## **4. POLICY STATEMENT**

### **4.1 Remuneration to Councillors and the Mayor**

4.1.1 All Councillors (including the Mayor) will be paid an annual fee according to determinations made by the Remuneration Tribunal. Under the Act, the Tribunal's role is limited to determining the categories of councils (section 239) and determining the minimum and maximum fee range for councillors and mayors in each of those categories.

4.1.2 In accordance with section 249 of the Act, the annual fee paid to the Mayor is in addition to the fee payable to the Mayor as a Councillor.

4.1.3 In accordance with Section 248 of the *Local Government Act 1993* and the determination by the Tribunal, the Council will determine on an annual basis the fee to be paid to the Mayor and Councillors.

4.1.4 In accordance with section 254A of the Act, Council may resolve that an annual fee will not be paid to a Councillor or that the Councillor will be paid a reduced annual fee determined by the Council:

- a) For any period for which the Councillor is absent with or without prior leave from an ordinary meeting or ordinary meetings of the Council; or
- b) In any other circumstances prescribed by the regulations.

4.1.5 If a Councillor is absent with or without leave of Council, from ordinary meetings of Council for any period of more than three months, Council must not pay any annual fee, or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of three months.

### **4.2 Dispute resolution**

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

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

### **4.3 General allowance**

4.3.1 It is not appropriate or lawful for Council to pay general allowances unrelated to actual expenses incurred and which are designed to supplement Councillors' annual fees (DLG Guidelines 2009 page 6). All expenses provided under this policy will be for a purpose specific to the functions of holding civic office.

### **4.4 Support to Mayor**

4.4.1 Council is recognised as the third regional city after Sydney and Parramatta. It is experiencing rapid growth and development and is being serviced by a full-time Mayor. In the light of these circumstances, Council will provide the Mayor with a range of support and resources so the Office of the Mayor can function properly and the Mayor can adequately represent the City at policy, civic and ceremonial levels. In addition to payment of the Mayoral allowance, the following facilities are additional to those outlined elsewhere in this policy and provided to Councillors.

4.4.2 Council will provide to the Mayor at its cost:

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- a) A dedicated vehicle of a type deemed suitable to the position of Mayor of Liverpool which will be equivalent to the range of vehicles to which Council directors are entitled under Council's Fleet Management Policy:
  - i. The vehicle provided for the Mayor is for use on official duties and functions of the Office of Mayor and for private use in accordance with Council's Fleet Management Policy;
  - ii. Council shall meet the fortnightly cost of cleaning (wash and vacuum) the Mayoral vehicle;
  - iii. Council shall supply and meet the usage costs associated with an electronic tag in the Mayoral vehicle;
- b) An allotted parking space at 33 Moore Street Liverpool;
- c) A fully furnished Mayoral office;
- d) Dedicated personal assistant;
- e) Ceremonial clothing including Mayoral robes and chains of office to be worn at civic and ceremonial functions;
- f) Secretarial, research and public relations services relating to the discharge of his/her civic functions, including use of official stationery and postage of official correspondence;
- g) Administrative assistance associated with civic functions, meetings and the like;
- h) Office refreshments;
- i) Meals or refreshments in conjunction with Council related business;
- j) A credit card to facilitate payment of incidental expenses such as attendance at functions, parking and entertainment in conjunction with the discharging of the functions of the Mayoral office:
  - i. The credit card will have limit of \$5,000;
  - ii. The account is to be in the name of Liverpool City Council;
  - iii. The credit card is not to be used for personal expenses; and
  - iv. The account is to be reconciled with receipts on a monthly basis.
- k) Personal computer, facsimile and photocopying machine at Mayoral Office;
- l) An appropriate mobile phone including usage costs;
- m) Where required to attend civic functions (e.g. Business Awards, Mayoral Ball), as civic leader of the City, no charge to be incurred for attendance;
- n) The use of the Council crest on Mayoral stationery, or other formats of communication such as email, website etc.;

### **4.5 Support to Councillors**

4.5.1 In addition to the payment of an annual fee, Council will provide Councillors with a range of support and benefits which allow Councillors to discharge their public duty. The Councillors, including the Deputy Mayor, are entitled to receive the following benefits:

- a) Use of the Councillors' Room, telephone and limited hospitality facilities;
- b) Meals or refreshments in conjunction with Council meetings, briefings sessions, committee meetings and planning and training sessions and non-alcoholic refreshments in the Councillors' Room;
- c) Secretarial services subject to specific approval of the CEO;
- d) An allowance of \$6,000 per Councillor per calendar year for mailing and stationery

to assist Councillors in performing their duties as per section 232 (2) of the *Local Government Act*. These duties include organisation of community meetings and responding to inquiries. (This allowance is reduced to \$50 per month per Councillor for April-September prior to an election.);

- e) Meeting room facilities at 33 Moore Street Liverpool when meeting regarding Council business. The meeting room is to be booked through the CEO;
- f) When deputising for the Mayor (at his or her request), transport to official functions (if needed), together with the cost of attendance at such functions, where a fee is payable;
- g) When required to attend functions as part of civic duties (e.g. Business Awards), the cost of attendance to be borne by Council. (Note this does not apply to attendance at the Mayoral Ball or other similar functions of a charitable nature.);
- h) Supply of name badges, business cards, diaries, memo books, compendium and official ties or scarves; and
- i) Car parking provision for Councillors at 33 Moore Street Liverpool when performing their duties as a Councillor.

#### **4.6 Access to information technology**

4.6.1 Council will provide all elected members with the necessary corporate software enabling access to key systems and communication networks. Council will set aside an amount for each elected member, as required, towards the purchase of “hardware” such as personal computers, printers or equivalent, needed in accessing computer systems and networks. A technical standard will be specified for the hardware and the turnover of the hardware. Councillors may choose to obtain equipment of a higher cost at their expense as long as the hardware standard is observed.

##### **4.6.2 Hardware**

The options available to Councillors in respect of hardware are as follows:

- a) An Ipad Pro, Microsoft Surface or Laptop with wireless and mobile internet connection be provided;
- b) A combined printer/ copier/ scanner/ facsimile machine be provided in Councillors’ homes, fully maintained and owned by Council. The specification for such equipment will be determined by Council’s Information Technology Team in consultation with Councillors based on likely business use requirements;
- c) Council will reimburse the cost of associated consumables such as toner, ink cartridges for a Councillor’s private computer, if used in the performance of their civic duties, up to \$500 per annum. The appropriate claim form with receipts will need to be completed and submitted for reimbursement to occur;
- d) At the end of the four year term, the equipment may be acquired by the Councillor at the current market value taking account of depreciation and the condition of the equipment. This value will be assessed by Council staff and advised to the Councillor.

##### **4.6.2 Software**

All Councillors will be provided with standard software including MS Office.

##### **4.6.3 Support**

- a) Councillors will be provided with training as required. The CEO can determine and approve funds for professional development activities.



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- b) Council will also provide support services to assist Councillors in resolving operational problems. All support services provided to Councillors will relate only to Council related business and applications. Support will be provided during the Information Technology Team's normal support hours (currently 8.30am to 5.00pm weekdays). Support requests can be logged by calling the Information Technology Help Desk on 9821 9505 or by emailing helpdesk@liverpool.nsw.gov.au.
- c) In the event of hardware failure, equipment owned by Council will need to be returned to Council to enable a warranty call to be placed with the manufacturer. Turnaround time will vary depending upon the equipment involved and the availability of parts.

### 4.6.3 Consumables

Council will meet the cost of consumables for Council owned equipment and paper for Councillor owned equipment used for undertaking civic duties.

## 4.7 **Telephone expenses**

4.7.1 Councillors are required to use their own mobile phones and telephone lines for Council business. In recognition of this situation, Council will contribute towards each Councillor's telephone costs as follows:

a) Mobile phones and home telephone/ fax

Upon presentation of a copy of a Councillor's mobile phone and/ or home telephone/ fax bill, Council will reimburse the cost of mobile phone and telephone/ fax calls up to a total maximum of \$120 per month. Reimbursement must be claimed within six months of the date of payment.

b) Additional phone lines

The cost of installation and rental for any additional phone lines required by Councillors for connection to fax machines or modems will not be reimbursed by Council.

4.7.2 As an alternative to clause 4.7.1(a) above, Councillors will have an option to be provided with a mobile phone with email capability by Council with calls limited to a maximum of \$120 per month subject to a statement of claim or statutory declaration supplied within three months of payment.

## 4.8 **Attendance at conferences, seminars and courses**

4.8.1 Conferences, seminars and courses are an important means of learning and maintaining knowledge, as well as contributing to public policy development. Councillors may attend those conferences, seminars and courses listed below if there is a resolution of Council to do so, if Councillors are nominated by Council to attend and if there is a nominated budget. Councillors may attend training courses and seminars related to their duties as a Councillor at their own discretion provided that the cost can be met within Council's budget allocation and attendance at the course or seminar is organised through Council's CEO.

### 4.8.2 Conference Attendance

The conferences, seminars and workshops to which this policy applies and which require a resolution of Council to attend are the:

- a) Local Government Association Annual Conference;
- b) Australian Local Government Women's Association Annual Conference and Australian Local Government Women's Association meetings for the one year term;

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- c) Special "one-off" conferences called by the Local Government Association on important issues or of an educational nature;
- d) Annual conferences and congresses of the major industry associations and professions in local government (such as LGMA or UDIA and subject to suitable agenda);
- e) Conferences and/ or annual general meetings of organisations for which Council has appointed delegates.

### 4.8.3 Registration

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

### 4.8.4 Expenses Incurred

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

- a) Only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;
- b) Out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like;
- c) Any time occupied on other than Council business is not included in the calculation of expenses to be paid; and
- d) The claim is made not later than three months after the expenses were incurred, and upon a voucher form for payment.

### 4.8.5 Payment in advance

- a) Council will normally pay registration fees, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent will be paid to the attendee in advance.
- b) Councillors may request payment in advance, up to a maximum of \$100 per day, in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advanced payment for the cost of any other service or facility covered by this policy. However, Councillors must fully reconcile all expenses against the costs of the advance when they return within ten days of the close of the conference, seminar or training etc. and repay any unexpended amount.

### 4.8.6 Categories of payment or reimbursement

Subject to nomination in accordance with the provisions of this clause, the categories of payment or reimbursement are as follows:

#### a) Accommodation

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

#### b) Out-of-pocket expenses

Reasonable out-of-pocket expenses will be provided or reimbursed for costs associated with attending the conference, seminar, meeting or function including entertainment but excluding expenses of a normal private nature.

c) Spouse/Partner

Where the attendee is accompanied by his or her spouse/partner, the attendee will be required to pay for any cost supplement involved in the accommodation (room only). All other costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

**4.9 Travel expenses**

4.9.1 All reasonable travel costs will be met by the Council where the expenses incurred are of the following nature:

- a) Attendance at conferences, seminars and workshops as specified in clause 6(a) of this policy;
- b) Council business such as Council, committee and other meetings where the Councillor is representing Council;
- c) Authorised business, meetings and functions approved by the Mayor where the Councillor is representing the Council and/or the Mayor.

4.9.2 Subject to the approvals required for travel, as set out in clause 4.10 of this policy, economy class travel should be used for all travel within Australia and overseas by the Mayor and Councillors. However, official travel by the Mayor to Western Australia, the Northern Territory or overseas is permissible by premium economy or business class air travel.

Air travel within NSW must be approved by the CEO.

For flights within Australia, the lowest logical fare of the day must be used for all domestic flights. This is the cheapest fare available that meets the traveller's logistical needs.

4.9.3 Travel by motor vehicle may be undertaken by Council vehicle (where available), by private vehicle or by taxi. Persons using private vehicles will be paid the mileage allowance at the then current rate set by the appropriate Local Government State Award, but subject to any such payment not exceeding economy class air fares to and from the particular destination.

4.9.4 Costs to elected members of vehicle hire and/or taxi fares which are reasonably incurred in the performance of their duties will be met by the Council. Cabcharge vouchers will be made available when required. Provision of a wide variety of transport modes is in keeping with access and equity policies.

4.9.5 Any travel incurred, other than approved Council business, will not be included in the calculation of expenses to be paid.

4.9.6 The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

**4.10 Special requirements for interstate and overseas travel**

4.10.1 Interstate travel

Any interstate travel is to be approved by the CEO. This includes the reasonable costs of travel and accommodation to attend interstate Australian Local Government Women's Association meetings for the one year term. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

**4.10.2 Overseas travel**

Councillors should avoid international visits, unless direct and tangible benefits can be established for the Council and the local community.

4.10.3 Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking a 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 shall be included in the Council business papers.

4.10.4 After returning from overseas, Councillors must provide a detailed written account to Council on the aspects of the trip relevant to Council business and/or the local community.

4.10.5 Details of overseas travel must also be included in the Council's Annual Report.

**4.11 Sister City relationships**

4.11.1 The Council has a policy of sending a delegation to its Sister Cities every two years. Council will be represented at such visits by the Mayor (or Mayor's nominee), CEO (or CEO's nominee) and two other delegates as determined by the Council. Council will meet all reasonable costs associated with delegations to and from Sister Cities. Other Councillors may join official delegations (with Mayor's approval) but must meet all their own costs except accommodation or other expenses agreed to by the host Sister City.

**4.12 Insurance expenses and obligations**

4.12.1 Councillors are to receive the benefit of insurance cover for:

a) Personal injury

Personal injury whilst ever on Council-endorsed business covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death total disability and temporary partial disability. The cover does not include medical expenses. Full details of Council's personal accident insurance are set out in Council's Insurance Policy.

b) Professional indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, provided the performance or exercise of the relevant civic duty or function is in the opinion of Council, bona fide and/or proper. This provision is subject to any limitations or conditions as set out in the Council's policy of insurance.

c) Public liability

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, within Australia, subject to any limitations or conditions as set out in the Council's policy of insurance.

d) Councillors' and Council officers' insurance

Insurance will be provided, subject to the terms, conditions and exclusions of the policy of insurance, to cover defence costs relating to common law claims not otherwise insured and those relating to any other actual or alleged breach of trust, breach of duty, breach of contract, neglect, error, misstatement, misleading statement, omission or other act done or wrongfully attempted, provided that it is not a criminal act or a deliberately malicious act.

4.12.2 In the event that a Councillor commences any legal defence or incurs legal fees before any claim under this insurance policy is lodged with the insurer, any subsequent claim for reimbursement will be rejected.

4.12.3 It is the responsibility of each Councillor to notify the Council or the Insurer of any circumstances that may give rise to a claim under this policy as soon as the Councillor becomes aware of any such circumstances. Circumstances that may give rise to a claim are considered to be any knowledge or intimation or any method of communication either within or outside of Council business that indicates that action may be taken against a Councillor, as a result of their conduct in the capacity as a Councillor.

#### **4.13 Legal expenses and obligations**

4.13.1 In the event of an enquiry, investigation or hearing into the conduct of a Councillor by:

- a) The Independent Commission Against Corruption;
- b) The NSW Ombudsman;
- c) The Office of Local Government;
- d) The Police;
- e) The Director of Public Prosecutions;
- f) The Local Government Pecuniary Interest Tribunal; and
- g) Other legally constituted investigatory bodies having proper jurisdiction;

Or

In the event of legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council by resolution shall determine whether or not it will reimburse such Councillor, prior to the commencement of the enquiry, investigation, hearing or proceeding, for legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/ client basis provided that:

- a) The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
- b) The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper; and
- c) The amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's solicitors will be paid, i.e. any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's solicitors will not be reimbursed;
- d) Any payment for reimbursement of any legal expenses properly incurred is subject to the approval of the Council prior to payment;
- e) The Council may at its discretion, set a limit to the total amount of reimbursement it is prepared to approve in respect of any enquiry, investigation, hearing or proceedings being taken against a Councillor(s);
- f) The Councillor had promptly notified the Council or Council's Insurer as required by any relevant Council Insurance Policy and that the Councillor adheres to the Insurer's requirements where applicable.

#### **4.14 Carer and related expenses**

- 4.14.1 Council endeavours to encourage and facilitate community involvement for persons nominating or holding the position of civic office. Accordingly, this policy allows for fair and reasonable reimbursement of carers' expenses in relation to attendance at Council and committee meetings, and other official civic functions. This applies to Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member. Childcare expenses may be claimed for children up until and including the age of 16 years.
- 4.14.2 Councillors who require access to childcare in order to attend Council meetings, events and activities will be provided with childcare through a registered and accredited child care provider, at Council's expense.
- 4.14.3 Should Councillors wish to arrange their own child care, this is permissible and reimbursement will be provided on completion of the appropriate claim form.
- 4.14.4 Councillors will need to provide suitable evidence to the CEO that reimbursement is applicable, such as advice from a medical practitioner in the event of caring for an adult person.
- 4.14.5 Upon submission of receipts and tax invoices and completion of a formal claim (Appendix A) to the CEO within three months of the expense being incurred, reasonable reimbursement may be available.

#### **4.15 Other matters**

- 4.15.1 Acquisition and returning of facilities and equipment by Councillors
- a) Councillors must return all equipment and other facilities owned or leased by the Council, to the Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.
  - b) The Council will consider the sale of such items to the Councillor at the cessation of their civic duties at an agreed fair market price or written down value. The CEO is authorised to approve all such requests.
- 4.15.2 **Reimbursement of expenses**
- a) All claims for reimbursement of expenses incurred must be submitted on the expense claim form in Appendix A to this policy – this form is available on the Councillor Intranet;
  - b) All claims must be signed by the Councillor and the box ticked declaring that all expenses have been incurred in the course of carrying out Councillor business;
  - c) All receipts must be attached and a brief description outlining the nature of the expenditure;
  - d) All claims must be made within three months of the expenditure occurring.

#### **4.16 Expenses and facilities for Councillors with disabilities**

- 4.16.1 In addition to the above provisions, for any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties. Following verification, claims will be authorised by the Manager Financial Services.

**4.17 Voluntary contributions from the fees payable to the Mayor and Councillors to complying superannuation funds**

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

**4.18 Mobile offices**

So that the Mayor and Councillors can hold “mobile offices” at locations with a frequency at their discretion, the Mayor and Councillors are to be provided with the resources necessary to assist with holding such mobile offices including but not limited to staffing, mailing and advertising of the mobile office, tables, chairs etc. funded from the Councillor Reserve up to a maximum of \$30,000 per annum.

**AUTHORISED BY**

Council Resolution

**EFFECTIVE FROM**

This current policy is effective from 6 February 2019.

**DEPARTMENT RESPONSIBLE**

Corporate Services (Governance, Legal Services and Procurement)

**REVIEW DATE**

This policy is to be reviewed at the start of each new Council term.

**VERSIONS**

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council Resolution	21 December 1993	Not applicable
2	Council Resolution	22 April 2002	Not applicable
3	Council Resolution	10 February 2003	Not applicable
4	Council Resolution	29 November 2006	Not applicable
5	Council Resolution	1 December 2008	005329.2009
6	Council Resolution	15 June 2009	099858.2009
7	Council Resolution	30 August 2010	111683.2010
8	Council Resolution	25 July 2011	128406.2011
9	Council Resolution	19 March 2012	221600.2012
10	Council Resolution	5 November 2012	231265.2012
11	Council Resolution	19 December 2012	301088.2012
12	Council Resolution	26 June 2013	185928.2013
13	Council Resolution	28 August 2013	201146.2013
14	Council Resolution	30 October 2013	260518.2013
15	Council Resolution	20 June 2014	121688.2014
16	Council Resolution	29 July 2015	115877.2015
17	Council Resolution	26 August 2015	202387.2015
18	Council Resolution	25 November 2015	288851.2015
19	Council Resolution	25 May 2016	113481.2016
20	Council Resolution	12 October 2016	180948.2016
21	Council Resolution	23 November 2016	277426.2016
22	Council Resolution	27 September 2017	319274.2016
23	Council Resolution	6 February 2019	066168.2019

**THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH**

Corporate Services (Financial Services)

**REFERENCES**

Office of Local Government:

- Guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW October 2009
- Circular 08/03 Findings from review of councillor expenses and facilities policies
- Circular 08/24 Misuse of council resources
- Circular 08/37 Council decision making prior to ordinary elections
- Circular 09/36 Release of revised councillor expenses and facilities guidelines
- Circular 10/26 Misuse of council resources
- Circular 05/08 Legal assistance for councillors and council employees



## CIVIC EXPENSES AND FACILITIES POLICY

Independent Commission Against Corruption: No excuse for misuse, preventing the misuse of council resources (Guidelines No 2) November 2009  
Liverpool City Council: Agency Information Guide  
Liverpool City Council: Code of Conduct  
Liverpool City Council: Code of Conduct Procedures  
Liverpool City Council: Fleet Management Policy  
NSW Government Finance, Services & Innovation: NSW Government Travel and Transport Policy 28 September 2016

Name of Claimant .....

Details of Expense	GL Number	Date Incurred	Paid Yes / No	Receipt Attached Yes / No	Sub Amount	GST	Total Amount
Please reimburse me the total amount of \$ ..... for the						<b>TOTALS:</b>	
above expenses incurred whilst carrying out Council business.							

*\* It is recognised that receipts may not be provided in all cases. If it can be demonstrated that expenditure was incurred and it is not general in nature, then it is acceptable for Councillors to certify that the expenditure was for the purpose intended.*

I hereby certify that the expenses outlined above were incurred by me for the purpose provided whilst carrying out Council business as approved above.

Signature of Claimant:

Date:

I have approved the total amount of \$ ..... as reimbursement of expenses for Councillor (*name*)

Signed:

Manager Financial Services

Date:

Appendix B



**AUTHORITY TO PAY  
COUNCILLOR FEES TO COMPLYING SUPERANNUATION FUND**

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I Councillor/ Mayor.....hereby request and authorise Liverpool City Council to deduct \$.....monthly from Councillor Fees due to me and pay this amount into my nominated superannuation fund, the details of which are set below. I understand that the Council:

- (a) Will promptly pay the deducted amount into my superannuation account;
- (b) Will facilitate my application for membership to a new complying superannuation fund, if so required;
- (c) Is not in a position to provide any advice on my personal tax matters and will not be responsible for any tax losses and/ or gains that I may incur as a result of exercising this option;

Name of Superannuation fund: .....

Membership Number: ..... Account Number: .....  
(if different from membership number)

Tax File Number: .....

Signed: ..... Date.....

*Please note:*

1. *Councillors seeking new membership will be required to complete application forms and provide relevant documents that may be required by their Superannuation Fund.*
2. *The confidential information contained in this form will be used by Council only in accordance with the provisions of Council's Privacy Management Plan.*