

Meeting Date: Tuesday 24 July 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

ATTACHMENTS FOR COUNCIL MEETING

Item

**6 POLICY ON EXPENSES AND FACILITIES FOR THE MAYOR AND
OTHER COUNCILLORS**

Attachment 1 Policy on Expenses and Facilities for the Mayor and
other Councillors 2018



Lifestyle and opportunity @ your doorstep



Policy on Expenses and Facilities for the Mayor and other Councillors

Month 2018

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Policy on Expenses and Facilities for the Mayor and other Councillors

Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

<i>Expense or facility</i>	<i>Maximum amount</i>	<i>Frequency</i>
<i>Accommodation and meals</i>	<i>As outlined in Section 9.4 of the policy</i>	
<i>Professional development, conferences and seminars</i>	<i>\$30,400 total for all Councillors Additional \$2,380 for the Mayor</i>	<i>Per year</i>
<i>Attendance at dinners and functions</i>	<i>\$300</i>	<i>Per year</i>
<i>Communications expenses</i>	<i>\$300 per month per Councillor, \$3,600 per year per Councillor, Additional \$250 per month for the Mayor</i>	<i>Per month/year</i>
<i>Carer expenses</i>	<i>\$6,000 per Councillor</i>	<i>Per year</i>
<i>Special needs (Councillors refer 9.10 (4) and (5))</i>	<i>\$6,000</i>	<i>Per year</i>
<i>Expenses for spouses, partners and accompanying persons (directly related to the role of the Councillor in performance of the duties in the Ryde local government area)</i>	<i>\$300</i>	<i>Per year</i>

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<i>Expense or facility</i>	<i>Maximum amount</i>	<i>Frequency</i>
<i>Business cards</i>	<i>500 business cards per Councillor, 1000 business cards for the Mayor</i>	<i>Per year</i>
<i>Stationery and other items</i>	<i>2500 sheets of plain A4 paper, 500 plain white DLE envelopes per Councillor</i>	<i>Per year</i>
<i>Home office expenses</i>	<i>Package supplied by Council consisting of:</i> <ul style="list-style-type: none"> <i>- Desktop PC or laptop</i> <i>- Printer</i> <i>- iPad Pro or equivalent</i> <i>Alternatively to the above, Councillors may choose to be provided with, or receive reimbursement for, information technology equipment and/or software up to a maximum of \$5,000 per term</i>	<i>Per term</i>
<i>Christmas or festive cards</i>	<i>200 for the Mayor</i>	<i>Per year</i>
<i>The maximum value of cash in advance</i>	<i>\$500 (reconcile within 1 week)</i>	<i>Not relevant</i>
<i>Incidental expenses</i>	<i>\$20</i>	<i>Per day</i>
<i>Access to facilities in a Councillor common room</i>	<i>Provided to all Councillors</i>	<i>Not relevant</i>
<i>Council vehicle and fuel card</i>	<i>Provided to the Mayor</i>	<i>Not relevant</i>
<i>Reserved parking space at Council offices</i>	<i>Provided to the Mayor</i>	<i>Not relevant</i>
<i>Furnished office</i>	<i>Provided to the Mayor</i>	<i>Not relevant</i>
<i>Number of exclusive staff supporting Mayor and Councillors</i>	<i>One staff member provided to the Mayor and Councillors</i>	<i>Not relevant</i>

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

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Part A – Introduction

1. SCOPE

- (1) This Policy, and associated procedures and guidelines, may be cited as the Policy on Expenses and Facilities for the Mayor and other Councillors, and is effective from [X Month 2018].
- (2) In this Policy, and associated procedures and guidelines, unless otherwise stated, the expression “Councillor” refers to all Councillors of the City of Ryde, including the Mayor and Deputy Mayor.

2. PURPOSE

This Policy ensures that Councillors have adequate access to the facilities and support required to fulfil their civic duties as elected representatives. It also aims to ensure that the facilities provided to Councillors to carry out their civic functions are equitable and in keeping with legislative requirements.

In addition, the purpose of this Policy, and associated procedures and guidelines, is to ensure that there is accountability and transparency in the payment and reimbursement of expenses incurred or to be incurred by the Councillors while undertaking their civic duties.

Council may disburse money only if the disbursement is authorised by the Local Government Act, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

3. OBJECTIVES AND PRINCIPLES

- (1) The objective of this Policy is to describe the facilities and expenses that Council will provide, fund or reimburse, to the Councillors of the City of Ryde.
- (2) This Policy also aims to uphold and demonstrate the following key principles:
 - (a) Conduct: Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act 1993* or any other Act.
 - (b) Participation, equity and access: The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged by undertaking the civic functions of a Councillor.

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The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic duties and business of Council.

- (c) Accountability and transparency: The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
 - (d) Reasonable expenses: Councillors shall only be reimbursed for expenses reasonably incurred in their performance of their role as a Councillor.
 - (e) Private benefit: Councillors shall not obtain private benefit from the provision of equipment and facilities. Occasional incidental private use is acknowledged, and is not subject to a compensatory payback. Should substantial private use occur, payback or reimbursement will be required.
 - (f) *Appropriate use of resources: the resources should be used appropriately in accordance with legal requirements and community expectations.***
- (3) Only those entitlements specifically described in this Policy shall be provided by the Council.

4. DEFINITIONS, REFERENCES AND LEGEND

This policy is made pursuant to Sections 252-253 of *the Local Government Act 1993*, Clause 403 of *the Local Government (General) Regulation 2005*, the Office of Local Government's *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (2009)*, and ***the Councillor Expenses and Facilities Policy – Better Practice Template.***

Throughout this procedure, where specific information is drawn from one of the following documents or organisations it will be referenced and displayed in a coloured box as given below. Definitions of commonly used terms are also given in the relevant box below.

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

The Regulation: refers to the Local Government (General) Regulation 2005.

The Office or OLG: refers to the Office of Local Government, NSW. ~~In some parts it may be appropriate for the policy to refer to 'the Division' — the former title of the Office of Local Government.~~

Guidelines: refers to the OLG's Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009). Extracts or summaries from this document are shown in yellow.

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NSW Government Agency circulars or advice on specific issues are shown in pink

Code of Conduct: refers to the City of Ryde Code of Conduct, as in effect at the time. Extracts or summaries from this document are shown in blue.

The following definitions are from the OLG’s Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (2009, page 3).

Councillor expenses and facilities policy: The Policy prepared under the Guidelines on the payment of expenses and the provision of facilities to Mayors and Councillors.

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

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

Functions of civic office/civic functions: Functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for Council and/or for the local government area.

5. REVIEW PROCESS AND ENDORSEMENT

Council is required, under Section 252 of the Local Government Act (the Act), to adopt a policy on the payment of expenses and the provision of facilities to the Mayor and other Councillors each year. ~~This is to occur within 5 months of the end of the financial year~~ **within the first 12 months of each term of a council.**

Section 253 of the Act requires that Council give public notice of at least 28 days of its intention to adopt or amend this policy, even if there is no proposed change to the policy. ~~Council is also required to provide the Office of Local Government with the adopted policy, the public notice and any submissions received.~~

Council may amend and adopt the policy at other times of the year without public notice, if the amendments are “not substantial” (Office of Local Government Guidelines).

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6. ~~NO PRIVATE BENEFIT WITHOUT PAYING PRIVATE OR POLITICAL BENEFIT~~

- a. ***Councillors must not obtain private or political benefit from any expense or facility provided under this policy.***
- b. ***Council will determine the value of the benefit that is to be invoiced to the Councillor in a non-confidential session of a Council Meeting. The Councillor shall then repay Council the value within four weeks of the determination.***
- c. ***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 the council.***
- d. ***Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:***
 - ***production of election material***
 - ***use of council resources and equipment for campaigning***
 - ***use of official council letterhead, publications, websites or services for political benefit***
 - ***fundraising activities of political parties or individuals, including political fundraising events.***

Council may disburse money only if the disbursement is authorised by the Local Government Act, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

Guidelines

Councillors should not obtain private benefit from the provision of equipment and facilities, including from travel bonus programs such as 'frequent flyer' schemes or any other such loyalty programs while on Council business. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to council.

Where more substantial private use does occur, the Act provides that a payment may be made to cover the level of that private use (refer s252(2)). Councillors should not obtain more than incidental private use of facilities.

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Part B – Expenses and Use of Resources

7. CONDUCT

7.1 KEY PRINCIPLES

Guidelines

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act* or any other Act. This is required under section 439 of the *Local Government Act* and reinforced in the Model Code of Conduct made under section 440 of the Act.

7.2 USE OF RESOURCES BY COUNCILLORS

Code of Conduct

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 (except when supplied as part of a contract of employment) 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.

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.

You must not use council letterhead, council crests and other information that could give the appearance it is official council material for: the purpose of assisting your election campaign or the election campaign of others, or for other non-official 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.

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7.3 ACCOUNTABILITY AND TRANSPARENCY

Guidelines

Councillors can only receive reimbursement for expenses and the use of facilities when these are clearly identified in the Policy.

8. GENERAL EXPENSE ALLOWANCE

Regulation – Clause 403

A policy under section 252 of the Act must not include any provision enabling a council to pay any councillor an allowance in the nature of a general expense allowance.

Guidelines

In accordance with clause 403 of the Regulation, there is no provision under this policy for a general expense allowance. A general expense allowance is a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

Advice from the Office of Local Government (OLG)

On 25 August 2011 the OLG advised that the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005 do not allow for Council to provide Councillors with a monthly base rate. Furthermore, the OLG stated that the Act and Regulation do not allow for Council to reimburse Councillors without the receipt of appropriate supporting documentation showing the expense incurred.

The OLG noted that any payment made to Councillors by Council without the presentation of appropriate documents showing expenses constitutes a “disbursement”. The OLG advised that this practice is to be discouraged by Councils. Correspondingly, the OLG clarified that a “reimbursement” is an entitlement provided to Councillors after they have incurred an expense. Reimbursements are to be provided to Councillors only upon receipt of appropriate supporting documentation showing the expense incurred.

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8.1 MONETARY LIMITS

Monetary limits are stated in this Policy against each expense category as required. These monetary limits set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Where expense limits are specified in this Policy, these given limits and requirements apply whether the item is purchased via direct payment by Council or reimbursement to the Councillor.

For the purposes of transparency and accountability, monetary limits are highlighted throughout this document where appropriate and also summarised in the table in the 'Policy Summary' section of this policy.

8.2 TIME LIMITS

Reimbursement of costs and expenses to Councillors must be made within 3 months of the cost or expense being incurred.

8.3 USE OF COUNCIL RESOURCES FOR POLITICAL PURPOSES.

Guidelines

The Code of Conduct provides that council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that council resources are being used inappropriately.

A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, websites as well as council services and forums must not be used for such personal interests. Situations in which the appearance may be given that these are being used for such purposes are also to be avoided.

The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Councils will not pay expenses or provide facilities to Councillors in relation to supporting and/or attending such activities and events.

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8.4 GIFTS AND BENEFITS

City of Ryde adopted a 'Thank you is Enough' - Gifts and benefits policy in September 2013 that requires all Council public officials (Councillors, staff, Council committee members etc.) to refuse gifts and benefits offered by any customers, suppliers or contractors. Public officials are required to declare any offers of gifts or benefits (including hospitality), even when refused, no matter what the value. Records of the declarations are maintained in a public register.

The process with regard to Gifts and Benefits is set out in Council's adopted Gifts and Benefits Policy.

8.5 PAYMENT OF COUNCILLOR FEES

Local Government Act – Section 248A

~~Under Section 248A of the Act, Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from office or the right to be paid any fee is suspended.~~

A Council must not at any time pay any fee or other remuneration, or any expenses, to which a Councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:

(a) the Councillor is suspended from civic office under this Act, or

(b) the Councillor's right to be paid any such fee or other remuneration, or expense, is suspended under this Act, unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.

Local Government Act – Section 254A

Under Section 254A of the Act, Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Regulation – Clause 404

Under clause 404 of the Regulation, a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

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Advice from the OLG – Surrendering Fees

On 25 August 2011 the Office of Local Government (OLG) advised that as the payment of expenses incurred by Councillors is an entitlement and is distinct to the provision of Councillor fees set out by the Local Government Remuneration Tribunal of NSW, Council does not have the capacity to “surrender” Councillor entitlements, and therefore does not have the ability to donate the entitlements to a charity.

However, the OLG confirmed that Section 404 of the Local Government (General) Regulation 2005 provides that Councillors can agree to a “non-payment or reduction” in their Councillor fees. The OLG stated that Councillors have an option to donate all or part of their Councillor fees to a charity organisation.

- (1) An annual fee is paid to each Councillor by the Council. The fee is the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this policy, the annual fee paid to each Councillor is intended to offset the costs involved in discharging the functions of civic office including, but not limited to, all incidental and out-of-pocket expenses relating to transport, clothing, home office, home telephone and postage costs.
- (3) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Councillor holds office.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in a Councillor’s Fee.

8.6 PAYMENTS IN ADVANCE

- (1) Councillors may request an advance payment for the cost of any service or facility covered by the Policy.
- (2) Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home.
- (3) Councillors must fully reconcile all expenses against the cost of the advance within one (1) week of their return, with receipts, and submit these details to the General Manager or his/her delegated employee for verification. Any unspent money is required to be returned at this time.
- (4) The maximum value of a cash advance is \$500.

Timeframe	Maximum amount
Reconcile within 1 week	\$500.00

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9. SPECIFIC EXPENSES

9.1 TRAINING AND EDUCATION EXPENSES

- (1) An induction program shall be conducted by the General Manager for Councillors upon election to Council and every subsequent re-election. This program may include the provision of resources and the attendance at training courses.
- (2) Provision for other training and education for Councillors will be made separately in Council's budget via the adopted Delivery Plan. All Councillors will be offered the same access to the same training in accordance with the budget allocated.

9.2 ATTENDANCE AT SEMINARS AND CONFERENCES

- (1) Prior Council approval is required for Councillors to attend seminars or conferences on behalf of the Council. A report must be included in the Council business papers and should give the purpose of the seminar, conference and training course, expected total costs, expected benefits for Councillors to attend and the names of Councillors who have indicated an interest to attend.
- (2) When determining attendance at conferences and seminars, consideration will be given to the Councillor Attendance at Conference guidelines.
- (3) Where a Councillor is no longer able to attend a conference or seminar for which endorsement has been given, they must advise the General Manager as soon as practicable, to facilitate the attendance of an alternate Councillor.
- (4) Where a Councillor provides less than 24 hours notice with regard to clause (3) above, and where no sufficiently substantial reason is provided, the Councillor may be liable, by way of Council resolution, for any related costs Council is unable to recover.
- (5) After returning from the seminar, conference or training course, the Councillor/s, or accompanying member of Council staff, shall provide a written report to Council on the aspects of the event relevant to Council business and/or the local community within two (2) months of the event. This report will be included in the Councillors' Information Bulletin.

No written report is required for the annual Local Government NSW Conference, the Australian Local Government Association Conference or for compulsory training courses or seminars required by any Government agency.

- (6) Council will pay the seminar, conference or training course registration fees charged by the organisers including the costs of related official meals and associated tours where they are relevant to the business and interests of Council.

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Any time and costs incurred in undertaking activities not related to attendance at the event shall not be included in the expenses paid by Council.

- (7) Council will also meet the cost of meals (and reasonable cost of drinks) when they are not otherwise included in the training, conference or seminar fees. Each Councillor is entitled to seek reimbursement for up to three meals per day to a maximum of \$100 a day. Official receipts will be required for reimbursement under this clause.

Quantity	Maximum amount
Up to 3 meals per day	\$100 per day

- (8) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate’s electoral fund or some other private benefit.
- (9) Council will meet the reasonable cost of transportation and accommodation associated with attendance at the seminar, conference or training course.
- (10) Any accommodation required by Councillors will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the Councillor. Where possible, Council will make payment of the accommodation booking prior to the date of arrival.
- (11) Council shall provide Councillors with taxi vouchers for travel to a seminar, conference or training course. Councillors must ensure that any unused vouchers and the receipts of used vouchers are provided to Council within seven (7) days of the event.
- (12) Alternatively, Council will meet the actual costs for public transport, taxis or hire-cars for travel on Council related business.
- (13) Council shall reimburse transport expenses incurred by a Councillor while using their own private vehicle for Council related business.

This will be by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred. The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council.

- (14) Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors while using their private vehicles on Council related business.

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9.2.1 ATTENDANCE AT CONFERENCES – SUPPLEMENTARY CITY OF RYDE PROVISION

Council acknowledges the value of Councillor attendance at conferences to enable them to be both knowledgeable and current on issues affecting the City of Ryde. In order to ensure that attendance at conferences is equitable, transparent and consistent, attendance will be limited as follows:

1. Local Government NSW Annual Conference – the number of voting delegates plus one (to a maximum of eight Councillors). Details of the delegates and attendee are to be determined by resolution of Council.
2. Australian Local Government Association Conference.
3. In addition, to 1 and 2 above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
4. Within two (2) months following the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors' Information Bulletin. This action is not required for the Local Government NSW Annual Conference or the Australian Local Government Association Conference.
5. No Councillor can attend a conference at Council's expense without the prior approval of Council. Reports to Council are to include details of the conference and an estimate of the associated costs including registration, transport and accommodation.
6. Council may resolve that a Councillor can attend more than one conference per year but this determination will be dependent on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.
7. Each year, as part of the review of the Policy on Expenses and Facilities for the Mayor and other Councillors, Council officers will provide a full report of expenditure and conference attendance by Councillors.

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9.3 TRAVEL

Guidelines

All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

9.3.1 LOCAL TRAVEL ARRANGEMENTS AND EXPENSES

- (1) Council shall reimburse travel expenses incurred by Councillors for travel on Council related business
- (2) Under normal circumstances, Councillors are expected to provide their own transport to and from the Council Offices and the Councillor's home and/or place of work for the purpose of undertaking Council business.
- (3) Transport to and from the Council Offices and a Councillor's home and/or place of work may be provided by Council at the discretion of the General Manager having regard to the circumstances, if it is not practicable for a Councillor to use his or her normal method of transport.
- (4) Travel expenses include use of private vehicle, use of public transport, taxis, hire cars, travel using a Council vehicle and associated costs such as parking and road tolls. Private vehicle expenses will be reimbursed using the kilometre rate prescribed in the relevant legislation or policies applicable to employees of the Council. Actual costs will be reimbursed for other travel expenses.
- (5) Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors while travelling on Council related business.
- (6) A Council vehicle (with or without a driver), a hire car, or a taxi voucher may be provided to a Councillor for the purpose of attending any Council related event at the discretion of the General Manager having regard to the circumstances.
- (7) Nothing in this Policy prevents a Councillor from travelling in a Council vehicle with a staff member who is also attending any Council related event.

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9.3.2 INTRASTATE TRAVEL

- (1) Council shall reimburse Council business related travel expenses by a Councillor while using their own private vehicle, by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred. The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council.
- (2) Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors while using their private vehicles on Council related business.
- (3) Councillors travelling into country NSW may choose the mode of transport that is most suitable, considering economy and convenience. Air travel will require prior approval.
- (3) If any intrastate travel requires payment or reimbursement of accommodation expenses, please refer to Section 'Accommodation costs', as prior approval is required.

9.3.3 INTERSTATE TRAVEL (INCLUDING ACT)

- (1) Prior Council approval is required for interstate travel for which reimbursement or payment is sought by Councillors. Any proposal for Councillors to travel interstate is to be included in the non-confidential business papers of Council, for which due public notice has been given. Such a proposal cannot be considered in a late report or Mayoral Minute.
- (2) Applications for interstate travel must be made in writing, giving full details of the travel including: itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective approval of reimbursement of such travel expenses, therefore all expenses must be approved in advance.
- (3) Upon return from interstate travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community, within two (2) months of the trip. This report will be included in the Councillors' Information Bulletin.
- (4) Economy class air travel will be provided as standard for travel within Australia. The cost of any upgrade shall be the responsibility of the Councillor. Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.

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- (5) Where trains are used, first class train travel will be provided, including sleeping berths where available.
- (6) Council shall meet the cost of any transfers between a Councillor's residence and a transport interchange (ie: airport) and between the transport interchange and hotel or venue. These costs are not to exceed the cost of taxi fares.

9.3.4 OVERSEAS TRAVEL

Guidelines

It is strongly recommended that Council scrutinise the value and need for Councillors to undertake overseas travel. Councillors should avoid international visits unless direct and tangible benefits can be established for Council and the community.

- (1) Council approval is required for overseas travel for which reimbursement is sought by Councillors. Any travel proposals for Councillors to travel overseas are to be included in the non-confidential business papers of Council for which due public notice has been given. Such proposals cannot be considered in a late report or Mayoral Minute.
- (2) Applications for overseas travel must be made in writing, giving full details of the travel including itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective reimbursement of such travel expenses therefore expenses must be approved in advance.
- (3) Upon return from overseas travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community, within two (2) months of the trip. This report will be included in the Councillors' Information Bulletin.
- (4) Economy air class will be provided for approved overseas travel. Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- (5) Council shall meet the cost of any transfers between a Councillor's residence and the airport and between the airport and hotel or venue. These costs are not to exceed the cost of taxi fares.
- (6) Independently funded travel - Council officials who travel to cities that have a Friendship or Partnership relationship with the City of Ryde, are only able to present themselves as representing Council, if this representation has been endorsed by Council prior to the visit.

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9.4 ACCOMMODATION COSTS

- (1) Council shall meet the costs of accommodation for Councillors travelling on Council business, when prior approval has been granted by Council.
- (2) Where possible, Council will make payment of the accommodation booking prior to the date of arrival
- (3) Any accommodation required by Councillors will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the Councillor.

9.5 INCIDENTAL EXPENSES

Guidelines

Reasonable out of pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses may be reimbursed, provided that it can be demonstrated that the expenses were actually incurred and that established reconciliation procedures are followed; for example, the completion of a claim form. The claim form must include an itemised account of expenditure and should not be general in nature.

Incidental expenses could reasonably include telephone calls, refreshments, internet charges, laundry and dry cleaning newspapers, taxi fares and parking fees.

- (1) Council shall reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, and other prior approved travel, incurred by Councillors.
- (2) Incidental expenses include, but are not limited to, in-house hotel television, telephone calls, internet charges, refreshments, laundry and dry cleaning, and newspapers.
- (3) Each Councillor is entitled to seek reimbursement up to \$20 per day for the purposes of Clause 9.5.

Timeframe	Maximum amount
Per day	\$20

9.6 LEGAL ASSISTANCE PROVISIONS AND EXPENSES

Guidelines

Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to a Councillor. This may include circumstances in which a matter does not proceed to a finding.

Council must not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances

Council must not meet the legal costs of a Councillors seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

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

- (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; or
 - (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;
 - (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 investigative or review body makes a finding substantially favourable to the Councillor.

Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

- (2) In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.

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- (3) In the case of a pecuniary interest or misbehaviour matter, legal costs will only be made available where a formal investigation has been commenced by the Office of Local Government.
- (4) 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.
- (5) Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- (6) Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- (4) Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution of Council at a Council meeting prior to costs being incurred.

9.7 INSURANCE

Guidelines

Section 382 of the Act requires Council to make arrangements for its adequate insurance against public liability and professional liability.

All insurances are to be subject to any limitations or conditions set out in Council's policy of insurance.

- (1) In accordance with Section 382 of the *Local Government Act*, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- (2) Councillors are provided additional liability protection by way of the Councillors and Officers Liability Policy, and personal injury protection by way of the Personal Accident Policy.

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- (3) Insurance protection is only provided if a claim arises 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. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- (4) Council shall pay the insurance policy excess in respect of any claim accepted by Council’s insurers, whether defended or not.

9.8 COMMUNICATION EXPENSES

Guidelines

The OLG advises against Council including a provision in their Policy for expenses for individual Councillors or groups of Councillors to produce and disseminate personalised pamphlets, newsletters and the like.

Regardless of the intention, such activities may be perceived as using Council resources for private political benefit and would therefore be contrary to the spirit of the *Local Government Act* and Code of Conduct.

Councils should establish a monthly monetary limit for the cost of official mobile landline and facsimile calls made by Councillors. A system should also be established to reconcile all telephone call costs claimed with account statements. Councils should also consider limiting expenses for internet use.

- (1) Councillors are entitled to seek reimbursement for communications costs and expenses covering the areas of email, internet, telephone (both fixed and mobile), website and postage.
- (2) Each Councillor is entitled to seek reimbursement up to \$300 per month (\$3,600 per annum) for the purposes of this clause.
- (3) Where the communication costs include the provision of a communication device through a communication plan, Council shall reimburse the costs associated with the plan, including email, internet and telephone access and usage. Communication costs also include expenses incurred by a Councillor for the proportion of leasing, renting or repayment costs associated with any communication device used by a Councillor in undertaking their role as a Councillor.
- (4) Council may provide Councillors with a mobile phone and call plan in lieu of the individual Councillor seeking reimbursement for mobile telephone costs. It is noted that there may be a small proportion of incidental private/personal use.

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- (5) Reimbursement of costs and expenses to Councillors under 'Communication costs' will only be made upon the production of appropriate receipts, tax invoices, credit card statements or receipt numbers in the name of the Councillor, and the completion of the 'Request for Councillor Reimbursement' form.
- (6) Councillors are not entitled to claim any communication costs associated with the production or dissemination of personalised pamphlets, newsletters and the like.

Timeframe	Maximum amount
Per annum	\$3,600
example average (per month)	\$300

9.9 ATTENDANCE AT DINNERS AND OTHER NON-COUNCIL FUNCTIONS

Guidelines

Consideration may be given to meeting the cost of Councillor's attendance at dinners and other non-Council functions that 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 should be met.

No payment should be made by a Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or some other private benefit. Council should ascertain whether any expenses to be incurred would be directed towards such events and activities prior to approving expenditure.

- (1) Councillors are entitled to seek reimbursement for attendance at dinners and other non-Council functions that provide briefings to Councillors from key members of the community, politicians and business.
- (2) Approval for reimbursement in accordance with the above should be sought prior to the event and be done in writing to the General Manager.
- (3) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purpose of this section. Official receipts are required to claim reimbursement under this clause.
- (4) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.

Timeframe	Maximum amount
Per annum	\$300

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- (5) Councillors who are Executive Members of an organisation of interest to Council as indicated in a Council resolution, shall be entitled to seek reimbursement and support for their attendance at the Executive Meetings held by the organisation.

Council will meet the cost of the Councillor's transportation and accommodation expenses, including the cost of meals. The support provided to Councillors in their capacity as an Executive Member of an organisation shall only be valid for the period they hold such a position.

9.10 CARE AND OTHER RELATED EXPENSES

Guidelines

Council makes provision for the reimbursement of the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick family members of Councillors, to allow Councillors to undertake their Council business obligations.

- (1) Where a Councillor has responsibilities for the care and support of any relative, the Council may reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.
- (2) In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Local Government Act.

Relative, in relation to a person, means any of the following:

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a)*
- (3) The total amount paid to a Councillor under sub-clause (1) shall not exceed \$6,000.00 in the 12 month period from October to September.

Timeframe	Maximum amount
Per annum	\$6,000.00

- (4) **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.**

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- (5) Where a Councillor has a special requirement, such as disability and access needs, Council shall meet reasonable costs and expenses required in order for that Councillor to discharge the functions of civic office.
- (6) The total amount paid to a Councillor under sub-clause (5) shall not exceed \$6,000.00 in the 12 month period from October to September. It should be noted however, that Council can approve additional expenditure in extenuating circumstances.

Timeframe	Maximum amount
Per annum	\$6,000.00 25% of annual Councillor fee

- (7) Each application for care and support of a relative or for meeting the special requirements of a Councillor is to be made in writing to the General Manager or his/her delegated officer and will be assessed on its merits. The General Manager may use his/her discretion to refer the matter to Council for determination.

9.11 EXPENSES FOR SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

Guidelines

There may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying Councillors within the local government area. Such functions would be those that a Councillor's spouse, partner or accompanying person could be reasonably expected to attend.

Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a mayor, or a Councillor when they are representing the mayor, when they are called on to attend an official function of council or carry out an official ceremonial duty while accompanying the mayor outside the council's area, but within the State.

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

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Limited expenses of spouses, partners or accompanying persons associated with attendance at the ~~Local Government and Shires Associations' annual conferences (now known as~~ **the Local Government NSW Annual Conference**) could be met by Council. These expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses and the cost of partner/accompanying person tours etc. would be the personal responsibility of individual Councillors.

The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a Councillor at any event or function outside the local government area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by Council (with the exception of the Local Government NSW Annual Conference as noted above).

The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany Councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the Councillor or the spouse/partner/accompanying person.

Advice from the OLG – Expenses for spouses, partners and accompanying persons

On 8 August 2014, the OLG advised that:

- (1) The Local Government and Shires Associations' annual conference, as given in paragraph 3 of the Guidelines, refers to the newly named Local Government NSW only. It does not include the Australian Local Government Association (ALGA) conference(s).
- (2) At the LG NSW Annual Conference, payment for "partner programs" is the personal responsibility of Councillors. Only registration and official conference dinner tickets for spouses, partners or accompanying persons are to be paid or reimbursed by Council.
- (3) Additional travel expenses (ie beyond travelling in a car with a Councillor) for a spouse, partner or accompanying person while attending any conference (including the LG NSW annual conference), function or event etc, are not to be funded by Council.

- (1) In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor in the performance of his or her duties, in the Ryde local government area. For example attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors.

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- (2) Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person will be met if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function referred to in clause (1) above, including carer costs. Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.
- (3) In recognition of the importance of a good work and family balance, spouses, partners or accompanying persons are welcome to join Councillors while attending events away from home. In such circumstances, Council will not require reimbursement of costs if no additional travel and accommodation expenses are incurred over and above what would have been expended by the individual Councillor. For example, if the person travels as a passenger in the Councillor's vehicle and are able to be accommodated in the same room already provided as standard to the Councillor, it will be considered that no additional cost has been incurred by Council.
- (4) Where a spouse, partner or accompanying person attends an event away from home with the Councillor, additional costs of the person/s will not be met by Council, with the exception of those associated with the Local Government NSW Annual Conference as addressed in clause (5) below.
- (5) Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government NSW Annual Conference will be met by Council. These expenses will be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual Councillors.
- (6) Eligible events (ie Local Government NSW Annual Conference, civic events in the Ryde LGA, and civic events throughout NSW for the Mayor or their representative) should be distinguished from circumstances where spouses, partners or accompanying persons accompany Councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the Councillor or the spouse/partner/accompanying person.
- (7) Each Councillor is entitled to seek reimbursement of up to \$300 per annum total under this clause. Official receipts are required to claim reimbursement under this clause.

Timeframe	Maximum amount
Per annum	\$300

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9.12 MEALS AND REFRESHMENTS

- (1) Morning and afternoon tea may be provided to each Councillor when in attendance at the Civic Centre during normal office hours. A meal including drinks may be provided to each Councillor at the Civic Centre whenever the Councillor is required to attend at the Civic Centre, or leave from or return to the Civic Centre, for a Council related event.
- (2) Meals and refreshments may also be provided to Councillors when attending a local community event or festival. The General Manager shall determine when such meals and refreshments are to be provided.
- (3) Meals and refreshments may also be provided to Councillors when attending a seminar, conference or training course, in accordance with Section 'Seminars and conferences'.

10. ADDITIONAL EXPENSES FOR THE MAYOR

10.1 MAYORAL FEE

- (1) An annual fee is paid to the Mayor by the Council. The fee is the amount fixed by the Council under Division 5 of the Local Government Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this Policy, the annual fee paid to the Mayor is intended to offset the additional costs involved in discharging the functions of the Mayoral Office over and above the costs incurred by other Councillors.
- (3) In the event that the Council resolves to pay a fee to the Deputy Mayor to undertake the roles and responsibilities of the office of the Mayor, the amount of such fee shall be deducted from the amount determined to be paid to the Mayor on a pro rata basis for the relevant period.
- (4) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Mayor holds office.
- (5) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral Fee.

10.2 CIVIC EXPENSES

- (1) Council shall meet the cost of providing refreshments and associated expenses for civic functions, civic receptions and any other formal event hosted by the Mayor, subject to adequate funds being allocated and available in the Council's adopted Delivery Plan.

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10.3 COMMUNICATION COSTS AND EXPENSES

- (1) Council shall reimburse up to an additional \$250 per month (\$3,000 per annum) for communication costs and expenses for the Mayor, over and above the monthly expenditure limit prescribed in clause 9.8 – Communication Expenses.

Timeframe	Maximum amount
Per annum	\$3,000
(Per month)	(\$250)

Part C – Facilities

11. GENERAL FACILITIES, EQUIPMENT AND SERVICES FOR ALL COUNCILLORS ~~PROVISION OF FACILITIES GENERALLY~~

- (1) Facilities, equipment and services shall be provided to Councillors to support them in undertaking their role as elected members of the Council.
- (2) The equipment supplied under sub-clause (1) shall be of adequate capacity and functionality to generally undertake the role of Councillor.
- (3) Unless otherwise resolved by the Council, the equipment shall be provided to a Councillor only once during the term of each Council. Council remains in ownership of the equipment and will be responsible for maintenance, replacement, insurance, technology upgrades and supply of consumables. The equipment is required to be returned at the end of the term of each Councillor. At the conclusion of their term, Councillors shall be offered the option to purchase the equipment that they have been in possession of, at current market value. Unless stated otherwise, the Councillor shall be responsible for all other costs of operating this equipment.
- (4) Part 7 of the Code of Conduct describes the responsibilities and obligations of Council officials when using Council resources, particularly in terms of misuse and private use.
- (5) Councillors, where their allocated equipment is damaged, lost or destroyed, are required to report this to Council urgently. If there are repeated instances requiring the equipment to be repaired or replaced, this may be at the Councillors cost.

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11.1 PRIVATE USE OF FACILITIES, EQUIPMENT AND SERVICES

- (1) Council facilities, equipment and services are not to be used for private purposes unless the use is incidental, unavoidable and of a minor nature.
- (2) Should a Councillor obtain substantial private benefit, the Councillor is required to advise the General Manager in writing detailing the extent of the private benefit. Council will determine the value of the benefit that is to be invoiced to the Councillor in a non-confidential session of a Council Meeting. The Councillor shall then repay Council the value within four weeks of the determination.
- (3) Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral or Councillor fees.

12. SPECIFIC PROVISION OF FACILITIES, EQUIPMENT AND SERVICES FOR ALL COUNCILLORS

12.1 STATIONERY AND OTHER ITEMS

- (1) Each Councillor may receive:
 - (a) 2500 sheets of plain white A4 paper per year;
 - (b) 500 plain white DLE envelopes per year;
 - (c) 500 business cards per year in a format agreed by each Councillor;

the year commencing from the date of election to Council and each subsequent anniversary.

Additional supplies of the above stationery items may be provided by the General Manager if considered warranted having regard to the particular needs of any Councillor.

- (2) Each Councillor may be issued from time to time with name badges, a security access card, ties/scarves and other corporate apparel or accessories for personal use. Security access cards are required to be returned when the Councillor ceases to hold office.

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- (3) Stationery is not to be used to produce election material or for any other political purpose.

Timeframe	Maximum amount
Per annum	2,500 sheets of plain A4
Per annum	500 plain white DLE envelopes
Per annum	500 business cards

12.2 HOME OFFICE AND EQUIPMENT

- (1) The following equipment and facilities may be provided by Council at a location nominated by the Councillor:
- (a) a personal computer/laptop with appropriate software
 - (b) a printer
 - (c) an iPad Pro or equivalent
- (2) Alternatively to (1) above, Councillors may choose to be provided with, or receive reimbursement for, information technology equipment and/or software up to a maximum of \$5,000 per term.

12.3 PARKING

- (1) Councillors shall be provided with allocated parking at the Council offices for attendance at meetings and functions in the performance of their role as a Councillor and be provided with a parking permit sticker for use when parking in the North Ryde Office Car Park. Council will not indemnify Councillors for any damage to their vehicles while utilising this facility.
- (2) No other parking concessions within the City of Ryde will be granted.

12.4 SECRETARIAL SUPPORT

- (1) Secretarial support may be provided at the discretion of the General Manager for each Councillor at the Pope Street, Ryde and/or North Ryde Offices. This may include typing, photocopying or use of a telephone. All expenses incurred, including the cost of staff, shall be met by the Council.

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12.5 DELIVERY OF MATERIAL

- (1) At least once each week, each Councillor may receive a delivery of material from Council including business papers, correspondence, newspapers etc delivered to one property address nominated by the Councillor.

12.6 COUNCIL MEETING CHAMBER AND LIBRARY MEETING ROOMS

- (1) Councillors may use the Council Meeting Chamber or access the meeting rooms at the library as available and in accordance with the relevant booking process, for the purposes of meeting with the public during operating hours and free of charge. The nature of the meeting must relate to Council business.
- (2) Council facilities are not to be used for any political purpose.

13. ADDITIONAL PROVISIONS FOR THE MAYOR

13.1 MAYORAL OFFICE

- (1) A furnished Mayoral Office shall be provided by the Council at the Pope Street, Ryde and North Ryde Offices, including a computer with office and related software (including access to email and internet).

13.2 SECRETARIAL SUPPORT

- (1) Secretarial support shall be provided by the Council. All necessary staff, office equipment, furnishings, printing, stationery, postage and other general office expenses shall be met by the Council, subject to adequate funds being available in the Council's adopted Delivery Plan.

13.3 MOTOR VEHICLE AND OTHER TRAVEL FACILITIES

Regulation – Clause 403 and Act - Section 252

A policy, under section 252 of the Act, must not include any provision enabling a council 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.

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Guidelines

Generally, a fully serviced and maintained vehicle, including a fuel card, should be provided for the sole use of the Mayor.

Councillors, including the Mayor, should only obtain incidental private benefit from the provision of a motor vehicle for official use unless the Policy specifically provides for private use and has a mechanism in place for a payment to be made for that private use.

- (1) An appropriate vehicle shall be provided in accordance with Council’s available list and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for incidental private purposes by the Mayor.
- (2) Should substantial private use occur the Mayor is to reimburse to Council the cost of this private use, which will be calculated using the mileage rates prescribed in the relevant legislation or policies applicable to employees of Council.
- (3) A car parking space shall be allocated at the Pope Street Top Ryde and North Ryde office for the Mayoral vehicle.
- (4) Should the Mayor elect not to make use of the vehicle for the length of their term, it will be disposed of appropriately. The Mayor will be entitled to reimbursement for all Council related travel expenses in accordance with the mileage rates prescribed in the relevant legislation or policies applicable to employees of Council.
- (5) Reimbursements will be made upon the production of an appropriate vehicle mileage log and the completion of a “Request for Councillor Reimbursement” form.
- (6) Additionally, the Mayor is entitled to a Cabcharge card for travel on Council related business. The card is not to be used for private travel and the card is not to be used to provide gratuities to drivers.

The Cabcharge card is to be used in accordance with the City of Ryde Credit Card policy. Cabcharge receipts are to be collected and submitted to Council for reconciliation against monthly statements, and the cardholder is required to immediately inform Council should the card be lost or stolen.

13.4 CEREMONIAL CLOTHING

- (1) The Mayor shall be supplied with a suitable robe and chains of office.

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13.5 OTHER EQUIPMENT AND FACILITIES

- (1) In addition to equipment and facilities already provided to the Mayor as a Councillor, the Mayor shall be entitled to the following equipment and facilities:
 - (a) an additional 500 business cards per year of term in a format agreed by the Mayor,
 - (b) 200 Christmas Cards per year of term,
 - (c) corporate attire and presentation gifts for use in connection with civic and ceremonial functions for example: tie, scarfs, mementos

- (2) The General Manager shall have discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, subject to funding being made available in the adopted Delivery Plan, and that the provision of such equipment or facilities is reasonable for the efficient and effective performance of the Office of the Mayor. Should the General Manager exercise his/her discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, a report detailing the provision shall be presented to Council.

Timeframe	Maximum amount
Per annum	200 Christmas cards
Per annum	Additional 500 business cards

Part D – Processes

14. APPROVAL, PAYMENT AND REIMBURSEMENT ARRANGEMENTS

- (1) All expenses and costs incurred must be in accordance with the requirements of this Policy.
- (2) Reimbursement of costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the “Request for Councillor Reimbursement” form **[Appendix III]**.
- (3) If receipts and tax invoices are not able to be submitted, a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred. If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request. Councillors are advised that Council is unable to claim the GST on the purchase if a tax invoice is not submitted, thus increasing the real cost of the item.
- (4) Claims for reimbursement of “Communication costs” will only be made upon the production of appropriate receipts, tax invoices, credit card statements or receipt numbers, in the name of the Councillor – a statutory declaration is not appropriate.
- (5) Payments made to Councillors by way of reimbursement in accordance with this Policy will only be made to personal accounts on which the Councillor is a named account holder and not to third parties.
- (6) The General Manager or a delegated employee shall assess all such claims and if considered to be reasonable and to be legitimately payable under this Policy, shall approve the claim for payment and payment shall be made within seven (7) days.
- (7) Should the General Manager or delegated employee decide that the claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still consider that the claim should be paid, it shall be considered that a dispute exists and the provisions of the following clause shall apply.
- (8) **Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development. The maximum value of cash advance is \$500 which should be reconciled within one week of incurring the cost and/or returning home. This includes providing to council:**
 - **A full reconciliation of all expenses including appropriate receipts and/or tax invoices**
 - **Reimbursement of any amount of the advance payment not spent in attending to official business or professional development.**

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(9) If a claim is refused, council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

15. DISPUTES

- (1) Should any Councillor consider that a dispute exists at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute and the General Manager shall submit such reports to the next meeting of the Council to have the dispute determined by a resolution of the Council having regard to this policy, the Act and any other relevant law. The decision of the Council shall be binding on all of the parties.
- (2) If the Councillor and the General Manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.**

16. ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES BY COUNCILLORS

Guidelines

Council should provide details of arrangements for Councillors to return equipment and other facilities to Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

The policy should provide the option for Councillors to purchase Council equipment previously allocated to them at the cessation of their duties. If the item is for sale it should be purchased at an agreed fair market price or written down value.

- (1) Prior to the conclusion of a Council term, all Councillors will be invited to indicate if they wish to purchase the following:
 - Laptop or computer provided by Council
 - Printer provided by Council
 - iPad or equivalent provided by Council and/or
 - any phone provided by Council
- (2) Councillors will be advised of the written down value of each item prior to seeking the above indication.
- (3) Where possible, payment for any items a Councillor wishes to purchase will be deducted from the Councillor's fee. Where this is not possible, an invoice will be prepared for the Councillor to make the appropriate payment.

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- (4) Councillors no longer holding a position as Councillor will be required to return all equipment not purchased within one week of the declaration of the polls to the Director, Corporate Services at Council’s North Ryde Office.

16.1 PUBLICATION

This policy will be published on council’s website.

16.2 AUDITING

The operation of this policy, including claims made under the policy, will be included in council’s audit program and an internal audit will be undertaken once every two years. The outcomes of the internal audit reviews are reported to the Council’s Audit, Risk and Improvement Committee.

16.3 BREACHES

Suspected breaches are to be reported to the General Manager.

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.

17. MANAGEMENT, REVIEW AND REPORTING OF THIS POLICY

17.1 ADOPTION AND AMENDMENT OF POLICY

Act – Section 252

- (1) ~~Within the first 12 months of each term of a council, the~~ ~~Within 5 months after the end of each year,~~ a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the council to the Mayor or Councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a policy under this section.

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- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

Act – Section 253

- (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)**
~~Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:~~
 - ~~(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and~~
 - ~~(b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and~~
 - ~~(c) a copy of the notice given under subsection (1).~~
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

Act – Section 254

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

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17.2 ANNUAL REPORTING

Act – Section 428 and Regulation – Clause 217

Section 428 of the Act and clause 217 of the Local Government (General) Regulation (“the Regulation”) require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy.

Act – Section 428 (part)

- (1) Within 5 months after the end of each year, a council must prepare a report (**its annual report**) for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed with respect to the objectives and performance targets set out in its management plan for that year.
- ~~(2) A report must contain the following:~~
 - ~~(f) the total amount of money expended during the year on Mayoral fees and Councillor fees, the council’s policy on the provision of facilities for use by Councillors and the payment of Councillors’ expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses.~~

Regulation – Section 217 (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,

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- (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 Director-General 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.

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PART E – Appendices

APPENDIX I: RELATED LEGISLATION, GUIDANCE AND POLICIES ~~OTHER GOVERNMENT AND COUNCIL POLICY PROVISIONS~~

This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

Relevant legislation and guidance:

- ~~• Division of Local Government Circular No. 09-36, 7 October 2009, “Release of Revised Councillor Expenses and Facilities Guidelines”~~
- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, 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 17-17 Councillor Expenses and Facilities Policy – Better Practice Template**
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.
- ICAC Publication “No excuse for misuse”, November 2002

Related Council policies:

- City of Ryde *Code of Conduct – Policy, Standards of Conduct, and Complaints Procedure*;
- **City of Ryde ‘Thank you is Enough’ - Gifts and Benefits Policy**;
- **City of Ryde Code of Meeting Practice**;
- **City of Ryde Corporate Credit Card Policy**.

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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 Local Government Act 1993 (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 Mayor
General Manager	Means the general manager 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
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 1
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
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 Local Government (General) Regulation 2005 (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

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APPENDIX III: COUNCILLOR REIMBURSEMENT FORM

Binary Centre, Level 1, 3 Richardson Place North Ryde
 Locked Bag 2069, North Ryde NSW 1670
 Tel 02 9952 8222 Fax 9952 8070



Councillor Reimbursement

Section 252 of the *Local Government Act 1993* authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties. Claims must be made in accordance with Council's **Policy on Expenses and Facilities for the Mayor and Other Councillors** and must be made within 3 months of the date of the expenditure. All receipts/tax invoices must be attached.

Councillor Name Claim Period

Address

1. Summary of Claims

Clause	Date	Claim Description	Amount	OFFICE USE ONLY
4.3	/ /	Travel	\$	
4.6	/ /	Communication Expenses	\$	
	/ /			
	/ /			
	/ /			
	/ /			
TOTAL CLAIM				

I certify that the details provided in relation to the above claims are correct and the expenses were reasonably incurred.

Signature of Claimant Date

2. Approval of Reimbursement of Expenditure

Expenditure detailed in this claim is approved

Reviewed Date

Approved (General Manager or Delegate) Date

D17/130366

September 2017

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3. Summary of Clauses and Claim Limits

- Clause 3.3 Time limit to claim reimbursement – 3 months
- Clause 3.9 Payment advance - maximum \$500
- Clause 4.2 Meals not otherwise provided at training/seminars - \$100 per day maximum
- Clause 4.3.1 Private Vehicle – rate per kilometre
- Clause 4.3.1 Travel expenses
- Clause 4.3.3 Travel – Economy class provided as standard
- Clause 4.3.3 Transfers – costs not to exceed cost of taxi fares
- Clause 4.3.5 Accommodation – 4 star or 4.5 star provided as standard
- Clause 4.3.6 Incidental Expenses - \$20 per day
- Clause 4.6 Communication costs and expenses - maximum \$3600 per annum
- Clause 4.7 Attendance at non-Council briefings - \$300 per annum
- Clause 4.8 Care of relatives – \$6000 per annum
- Clause 4.8 Special Councillor requirements – \$6000 per annum
- Clause 4.9 Accompanying spouse/partner - \$300 per annum
- Clause 5.3 Mayoral Communications – additional \$3000 per annum

4. Details of Travel (car)

Date	Meeting / Conference	Location	Kms
/ /			
/ /			
/ /			
/ /			
Total Kms			

Total Travelling Expenses Claimed*

kms x @ \$0.68 (< 2.5 ltr) or \$0.78 (=> 2.5 ltr)

5. Other Expenses

Date	Description	Cost \$
/ /		
/ /		
/ /		
/ /		
/ /		
/ /		
/ /		
/ /		
Total Other Expenses Claimed*		

* Note: Please copy total to Summary of claims table.

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