

ATTACHMENT A

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**REVISED DRAFT COUNCILLORS'
EXPENSES AND FACILITIES POLICY 2017**



Sydney2030/Green/Global/Connected



Councillors' Expenses and Facilities Policy

June 2017 (public exhibition draft)

Councillors' Expenses and Facilities Policy

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Definitions

The **City of Sydney** or the **City** refers to the Council as an organisation, responsible for the administration of the city.

The **Council** refers to the elected Councillors, as the governing body of the City of Sydney.

The **city** refers to the geographical area that is administered by the City of Sydney and its physical elements (and is sometimes referred to as the local government area or LGA).

Disclaimer

The Councillors' Expenses and Facilities Policy includes references to the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation). The Act and the Regulation may be subject to amendment from time to time. In the event of any inconsistency between the Councillors' Expenses and Facilities Policy and the Act and the Regulation, the Act and the Regulation must be relied upon rather than the Councillors' Expenses and Facilities Policy.

1. Introduction

Overview

Council is required to adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor, Deputy Lord Mayor and Councillors. The provision of such facilities and expenses assists the Lord Mayor and Councillors to undertake their respective roles under the *Local Government Act, 1993* (the Act) and provides reasonable recompense for expenses they incur in carrying out the functions of civic office.

Under section 252(5) of the Act, the Policy must comply with the provisions of the Act, the *Local Government (General) Regulation 2005* (the Regulation) and any relevant guidelines issued by the Chief Executive of the Office of Local Government under section 23A of the Act.

The City of Sydney's Councillors' Expenses and Facilities Policy (this Policy) is made in accordance with the Act (including sections 252, 253 and 254) and the Regulation and has been prepared with reference to, and in compliance with, the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009). This Policy should be read in conjunction with the Guidelines.

The Lord Mayor, Deputy Lord Mayor and Councillors can only be reimbursed for expenses and provided with facilities in accordance with this Policy and for the purpose of carrying out the functions of their civic office.

Purpose

This Policy sets the framework for:

- the provision of adequate and reasonable expenses and facilities to the Lord Mayor, Deputy Lord Mayor and Councillors to enable them to carry out their respective roles under the Act;
- the provision of expenses and facilities to all members of Council's governing body in a manner that is transparent and accountable, and meets the expectations of the local community; and
- compliance with relevant legislative requirements for Council to review and adopt a policy concerning the payment of expenses and the provision of facilities to the Lord Mayor, Deputy Lord Mayor and Councillors.

Guiding Principles

Global Sydney

The Lord Mayor and Councillors elected to the Council of the City of Sydney are members of the governing body for Australia's primary global city.

The City of Sydney local government area is a key driver of the national economy, with a sphere of economic influence that is “the greatest of any local government area in Australia”.¹

Economic activity (GDP) generated within the City of Sydney local government area was estimated at approximately \$110 billion for 2014-2015, representing over 7% of the total national economy, over 30% of the Sydney metropolitan economy and over 20% of the entire GDP for New South Wales.²

The City of Sydney is:

- a leading Asia-Pacific financial centre and home to Australia’s largest and most globally connected finance and insurance district;
- a global tourism destination and gateway to Australia for overseas tourists and visitors;
- a multipurpose centre specialising in higher order retailing serving the needs of visitors, workers and residents of the city, Sydney region and New South Wales;
- a principal centre of intellectual activity, media and communications, major centre for the professions and specialised medical services and an educational centre of excellence;
- the focus for major civic, ceremonial and religious activities of the Sydney region, New South Wales and Australia; and
- a cultural, recreation and entertainment destination for the Sydney region with national significance.³

With more than 1.2 million residents, workers and visitors in our local government area daily and with budgeted operating income of \$530 million and capital expenditure of \$298 million for the financial year 2016-2017, the City of Sydney is unique within the NSW local government environment.

Scale, Scope and Nature of Expenses and Facilities

Given the global status of the City of Sydney, there is an expectation that the Lord Mayor, Deputy Lord Mayor and Councillors will represent Council at city, state and national business, government, community, cultural and other stakeholder forums.

This is in addition to Councillors’ responsibilities to residents, ratepayers and businesses, workers and visitors in the city as elected persons and members of the governing body of Council under the Act.

The provisions of this Policy ensure that City of Sydney Councillors are provided with the necessary resources and facilities and for expenses to be reimbursed in order to enable them to fully perform their role under the Act.

Participation, Equity and Access

Consistent with principles of participation, equity and access, this Policy is intended to:

- be non-discriminatory and equitable;
- enable participation on Council of people from diverse backgrounds that represent the demographics of our local community;
- enable all members of the community from different walks of life, 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 in undertaking the civic duties of a councillor;
- take account of and make reasonable provision for the special needs of Councillors to allow appropriate access to council premises and facilities, and to maximise participation in the civic duties and business of council; and
- allow Councillors to represent our local community in different ways and take account of, as much as possible, individual differences.⁴

¹ Local Government Remuneration Tribunal - Annual Report and Determination, April 2017 p. 12

² City of Sydney Annual Report, Statutory Returns 2015-2016, p.6

³ See Metropolitan Plan for Sydney 2036, December 2010 and Report and Determinations of the Local Government Remuneration Tribunal, 1995

⁴ Refer the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, Office of Local Government, 2009 p. 8

Annual Fees

This Policy excludes annual fees paid to the Lord Mayor and Councillors under sections 248 to 251 of the Act. The Lord Mayor, Deputy Lord Mayor and Councillors of the City of Sydney are paid an annual fee according to determinations made by the Local Government Remuneration Tribunal.

Under the Act, the Tribunal's role is to determine the categories of councils and mayoral offices in New South Wales, place each council and mayoral office into one of the categories it has determined (at least once every three years), and on an annual basis set the minimum and maximum fees payable to councillors and mayors in each category. Effective from July 2017, there will be nine categories:

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small
- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

In determining the appropriate category allocation, the Act requires the Tribunal to have regard to matters such as:

- the size of areas;
- the physical terrain of areas;
- the population of areas and the distribution of the population;
- the nature and volume of business dealt with by each council;
- the nature and extent of the development of areas;
- the diversity of communities served;
- the regional, national and international significance of the council.⁵

⁵ *Local Government Act 1993*, section 240(1)

⁶ In its 2009 review of categories of councils and mayoral offices, the Tribunal determined that "it is appropriate that the Tribunal retain a separate category for the City of Sydney in recognition of its role as the commercial, cultural, entertainment and ceremonial centre of the city

The City of Sydney is currently the only Council in NSW categorised as a Principal CBD by the Tribunal.⁶ As a matter of standing policy, Council has resolved that:

- having regard to the Tribunal's determination of a fee range for Councillors and the Lord Mayor, Council shall always pay the maximum fees as determined by the Tribunal; and
- the Deputy Lord Mayor's fees, to be deducted from the gross Lord Mayor's fee, shall be equal to 10% of the mayoral fee actually paid to the Lord Mayor.⁷

Councillors' annual fees are paid monthly in arrears in accordance with the provisions of the Act.

Relationship between Annual Fees and Expenses

Consistent with the position of the Office of Local Government and the Tribunal, this Policy provides for a level of expense and facility entitlements, informed by, but set independent of, the level of annual fees payable to the Lord Mayor and Councillors.⁸

Legislative and Policy Provisions

Provisions under the Act

Section 252 of the Act requires Council to adopt or amend a policy for the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Lord Mayor, Deputy Lord Mayor and Councillors.

Section 253 of the Act specifies actions Council must undertake before its policy concerning Councillors' expenses and facilities can be adopted or amended.

Section 254 of the Act requires that a part of the Council or Committee meeting which considers the adoption or amendment of the expenses and facilities policy will be open to the public.

and State", p. 21. This approach was reconfirmed by the Tribunal in its most recent review of categories in 2017.

⁷ As adopted by Resolution of Council dated 5 June 2000.

⁸ Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, Office of Local Government, 2009 p. 9

Provisions under the Regulation

Clause 403 of the Regulation disallows the payment of a general expense allowance to any Councillor and for a vehicle to be made available for the exclusive use of a Councillor, other than the Lord Mayor.

It is not appropriate or lawful for the City to pay any Councillor an allowance in the nature of a "general expense allowance", which is unrelated to actual expenses incurred and designed to supplement the Councillor's annual fee.

Clause 217 of the Regulation requires the City to include detailed information in its Annual Report about the payment of expenses and provision of facilities to Councillors (refer Part 6 of this Policy for further information).

Model Code of Conduct for Local Councils in NSW

Under section 439 of the Act, Councillors must act honestly and exercise a reasonable degree of care and diligence in carrying out their functions. The City of Sydney's Code of Conduct outlines the minimum requirements of conduct for council officials carrying out their functions.

This Policy is to be read in conjunction with the Code of Conduct, which incorporates the provisions of the Model Code of Conduct for Local Councils in NSW prescribed by the Office of Local Government.

2. General Policy Provisions

1. General Provisions Regarding Payment of Expenses and Provision of Facilities

- 1.1. Payments for expenses and facilities not included in this Policy cannot be made by the City in accordance with section 252(3) of the Act. All expenses and facilities under this Policy will be provided to Councillors for a purpose specific to the functions of holding civic office and are only to be used for Councillors' civic duties.
- 1.2. For the purpose of this Policy, functions of civic office, civic duties or Council business may be defined as "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 the Council and/or for the local government area."⁹
- 1.3. Unless otherwise stated in this Policy, all requests from Councillors for the provision of services, facilities and claims for the payment or reimbursement of expenses are to be directed to the Secretariat Unit.
- 1.4. Equipment, facilities and other resources supplied to Councillors under this Policy will be compatible with and of the same standard as other City equipment and resources.
- 1.5. The services and facilities, as detailed in this Policy, are available to Councillors while carrying out the functions of civic office. These services and facilities, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.
- 1.6. Councillors are encouraged to pool or share facilities in order to make the best use of council resources. Councillors are also encouraged to limit their use of the expenses and facilities provided for in this Policy to the minimum required to enable them to effectively and efficiently discharge the functions of their civic office.
- 1.7. All equipment and facilities provided under this Policy remain the property of the City. On cessation or expiration of a Councillor's term of office, use of all equipment and facilities must cease immediately. On request, equipment and facilities must be returned to the City no later than 14 days from the date of cessation or expiration of a Councillor's term of office, or such other time period as may be specified.
- 1.8. Facilities provided to Councillors under this Policy are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

⁹ Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, Office of Local Government, 2009 p. 3

1.9. Annual expense limits apply to several categories of expenditure in this Policy. Where an annual expense limit applies, it is shown in brackets against that item and specified within the relevant clause of this Policy. All annual expense limits are based on a financial year and, where applicable, may be applied on a pro-rata basis e.g., before or after a local government election, or where the term of office of a Councillor ceases or commences during a financial year.

1.10. The City's regular monitoring and reporting on capped expenditure will identify whether any Councillor has exceeded an annual expense limit in this Policy. Councillors who exceed an annual expense limit will be invoiced and must reimburse the City in accordance with clause 41.2 of the Policy. All monetary expense limits in this Policy are exclusive of GST.

1.11. This Policy will apply to any Administrator(s) appointed by the Minister, subject to any necessary modifications.

2. Use of Council Resources

2.1. Councillors must only use council resources in accordance with the Code of Conduct. The following parts of the Code of Conduct are applicable to this Policy:

“7.12 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.

7.14 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.

7.15 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.

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.”¹⁰

2.2. Councillors should not obtain private benefit from the provision of equipment and facilities while on Council business. The City, however, acknowledges that incidental personal use of council equipment, facilities and resources may occur from time-to-time. This means use that is infrequent and brief and use that does not breach this Policy or the Code of Conduct (for example, telephoning home to advise that a Council meeting will go until later than expected). Reimbursement to the City is not required for incidental personal use.

2.3. Councillors should not obtain any greater private benefit from City equipment, facilities and resources than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of City equipment and facilities does occur, Councillors must advise the Chief Executive Officer in writing and the Councillor will be invoiced for such private use and must reimburse the City in accordance with clause 41.2 of this Policy.

¹⁰ City of Sydney Code of Conduct, pp. 17-18

3. Payment of Expenses

3. Introduction

- 3.1. Expenses may be defined as “payments made by the City to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.”¹¹
- 3.2. Unless stated otherwise, the expense reimbursement and entitlement provisions (including expense limits) detailed in Part 3 of this Policy apply to the Lord Mayor, Deputy Lord Mayor and all Councillors on a uniform basis.
- 3.3. Specific additional expense reimbursement and entitlement provisions for the Lord Mayor and Deputy Lord Mayor are detailed at clauses 25 and 26.

4. Annual Conference – Local Government NSW

- 4.1. The City will meet the following costs of attendance at the annual Local Government NSW Conference (the Conference) by all Councillors nominated as delegates:
 - delegate registration costs (including official Conference breakfasts, lunches and dinners);

- the reasonable cost of overnight accommodation for stays outside the Sydney metropolitan region (refer clause 7.2 of this Policy);
- the cost of any meals and the reasonable cost of beverages accompanying a meal, where any such meals are not provided as part of the Conference registration fee (refer clause 7.3 of this Policy);
- the cost of reasonable associated travel (refer relevant provisions of clauses 21 to 23 of this Policy); and
- the cost of other reasonable incidentals (e.g. telephone calls, internet, newspapers and parking fees).

- 4.2. Under clause 18.1 of this Policy, costs associated with the attendance of spouses, partners or accompanying persons of Councillors at the Conference are limited to the cost of registration and official conference dinners. The City will therefore meet the direct cost of spouses, partners or accompanying persons attendance at the President's Opening Reception and the Conference Gala Dinner, or the cost of partner registration (which includes tickets to the official Conference reception and dinner) up to the \$600 annual expenditure limit in clause 18.3 of this Policy.

¹¹ Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, Office of Local Government, 2009 p. 3

- 4.3. The City will not meet the cost of travel expenses, additional accommodation expenses (in addition to the expenses incurred for the Councillor) and partner tours/activities for any spouses, partners or accompanying persons attending the Conference. These expenses are the responsibility of, and must be paid for personally by, individual Councillors.
- 4.4. Costs associated with the attendance of Councillor delegates at the Conference are not to be included within the annual expense limits applicable to Interstate and Intrastate Conferences in clauses 7.4 and 8.3 of this Policy.

5. Carer Expenses (\$6,000)

Criteria

- 5.1. An annual limit of \$6,000 for each Councillor will apply to carer expenses.
- 5.2. A carer is a person who cares for a dependent child or another immediate family member, such as a family member with a disability.
- 5.3. Immediate family members include the carer's current or former spouse or domestic partner. Immediate family also includes a child, parent, grandparent or sibling of either the carer or the carer's spouse or domestic partner.
- 5.4. Aboriginal or Torres Strait Islanders who care for a family member related according to Aboriginal or Torres Strait Islander kinship rules are regarded as carers.
- 5.5. Expenses for alternative carer arrangements, including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, are payable when a Councillor attends:
- Council meetings, standing committee meetings, sub-committee meetings, inspections, formal briefing sessions and civic or ceremonial functions convened by the Lord Mayor or Council;
 - meetings scheduled by Council or the Lord Mayor;

- meetings necessary for the Councillor to exercise a delegation given by Council or meetings arising from their official role as chairperson of a standing committee;
- meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
- a meeting, function or other official role as a representative of the Lord Mayor or Council;
- Councillor training, education, professional development approved under clause 20.5 of this Policy;
- Local Government NSW Annual Conference; and
- functions where the payment of carer expenses has been approved by the Chief Executive Officer.

Fees

- 5.6. Carer expenses may consist of:
- child care centre fees;
 - hourly fees;
 - agency booking fees (if claimed); and
 - reasonable travelling expenses (if claimed by the carer).
- 5.7. Fees are payable per hour (or part of an hour) subject to any minimum period which is part of the care provider's usual terms, to a maximum hourly rate approved by the Chief Executive Officer.
- 5.8. Travelling expenses cover the transport costs of the carer to and from the Councillor's residence or of the person to be cared for to and from the place of care.
- 5.9. Claims for reimbursement of carer expenses must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion.

6. Communications and Mobile Devices (\$5,000)

- 6.1. An annual limit of \$5,000 for each Councillor will apply to the provision of communications and mobile devices outside the Councillor's Town Hall office, and their ongoing usage/operating costs.
- 6.2. Communications and mobile devices to be provided by the City to each Councillor for the duration of their term of office may comprise any of the following:
- one mobile electronic communication device, e.g., i-Phone, with approved accessories, including monthly service fees;
 - one mobile device such as an i-Pad (including protective case, keyboard and monthly service fees);
 - one multi-function device capable of printing and scanning; and
 - one 4G mobile broadband device, including monthly service fee.
- 6.3. If replacement or upgrade of any of those communications and mobile devices is required during a Councillor's term of office, these costs are included in the total annual expense limit in clause 6.1.
- 6.4. Councillors may seek reimbursement for applications on their mobile electronic communication devices that are directly related to their duties as a Councillor.
- 6.5. Mobile device use is to be in accordance with the City's Mobile Device Policy and Internet and Email Policies. Councillors will receive a copy of their monthly Mobile Summary Report and will be able to identify any personal call charges.
- 6.6. Where personal call charges exceed incidental private use, Councillors must advise the Chief Executive Officer in writing and, in accordance with clause 41.2 of this Policy, the Councillor will be invoiced for reimbursement to the City of the relevant amount.

7. Conferences Interstate (\$3,000)

- 7.1. The City will pay expenses, including registration fees, domestic travel, accommodation, meals and reasonable incidental expenses, associated with Councillors attending conferences or seminars outside New South Wales (including the ACT), provided the Chief Executive Officer approves the Councillor's attendance. The conference or seminar must be directly relevant to the functions of Council and/or benefit the community/local government area. The request for approval should include full details of the travel, including itinerary and costs, in accordance with clause 23.4 of this Policy.

The provisions of clause 23 of this Policy will apply to all transport arrangements associated with interstate conference attendance.

Overnight Accommodation

- 7.2. The City will pay reasonable costs of overnight accommodation for stays outside the Sydney metropolitan region. Expenses are payable for the nights of the conference or seminar and the night before and after where necessary.

Accommodation is to be at the conference venue, where possible.

In all other cases, accommodation should be based on best value available and proximity to the conference venue. Preference will be given to accommodation venues providing Government Rates, where available.

These costs are included in the total annual expense limit as identified in clause 7.4.

Meals

- 7.3. The City will pay for all meals for Councillors attending approved conferences or seminars, where any of those meals are not provided as part of the conference or seminar fee. The City will also pay the reasonable cost of beverages accompanying a meal.

These costs are included in the total annual expense limit as identified in clause 7.4.

7.4. The annual limit for attending conferences or seminars outside New South Wales (including the ACT) including registration, travel, accommodation and meal expenses, is \$3,000 for each Councillor. In addition to this annual expense limit, the standing authority in clause 23.5 of this Policy allows for:

- the attendance by Council's official delegates at the annual Local Government NSW Conference; and
- the attendance by the Lord Mayor or other Councillors at meetings interstate, including Canberra, explicitly for the discussion of issues related to the functions of the City of Sydney or agreements between Council and the Commonwealth, with such attendance to be explicitly approved by the Chief Executive Officer and the Lord Mayor, and in the case of the Lord Mayor, by the Chief Executive Officer and Director, Legal and Governance.

8. Conferences Intrastate (\$2,000)

8.1. The City will pay expenses including, but not limited to, registration fees, domestic travel, accommodation (for stays outside the Sydney metropolitan region), meals and reasonable incidental expenses associated with Councillors attending conferences or seminars within New South Wales (excluding the ACT). The conference or seminar must be directly relevant to the functions of Council and/or benefit the community/local government area.

The provisions of clause 23 of this Policy will apply to transport arrangements associated with intrastate conference attendance.

8.2. Councillors may attend conferences and seminars within New South Wales at the City's expense:

- without approval of the Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference or seminar does not exceed \$500; or
- with the prior approval of the Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference or seminar exceeds \$500.

8.3. The annual limit for attending conferences or seminars within New South Wales (excluding the ACT) is \$2,000 for each Councillor. In addition to this annual expense limit, the standing authority of Council in clause 23.5 of this Policy allows for the attendance by Council's official delegates at the annual Local Government NSW Conference.

9. Council Concerts and Public Entertainment

9.1. Councillors will be offered tickets to events that the City sponsors where tickets are included in the sponsorship agreement.

10. Council Representation at Non-Council Functions and Other Events (\$2,000)

10.1. The annual limit for attending dinners, non-council functions, community and corporate or industry events where Councillor representation would be expected, such as award nights which are relevant to Council's interest is \$2,000 for each Councillor.

10.2. The approval of the Chief Executive Officer is required for attendance at dinners, non-council functions and community events where the cost exceeds \$500.

10.3. The City will pay the entry fee/ticket cost associated with the attendance of a Councillor at a dinner, non-council functions, community and corporate or industry events relevant to Council's interest.

10.4. The City will not pay for or reimburse to a Councillor costs associated with attendance at any political fundraising event, any donation to a political party or candidate's electoral fund or for some other private benefit.

10.5. Likewise, no payment shall be made or reimbursed by the City for any component of a ticket that is additional to the service cost, such as a donation to a political party or candidate's electoral fund or any other private benefit.

11. Expenses and Facilities for Councillors with Disabilities

- 11.1. 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 functions of civic office.

12. Gifts and Benefits

Ceremonial gifts given by Councillors on behalf of the City

- 12.1. A ceremonial gift is an official gift from one organisation to another, generally provided when conducting official business with delegates from another organisation or when formally representing the City at ceremonial and civic events. For example, when undertaking overseas travel approved by Council, hosting a visiting official delegation or attending ceremonial and civic events as a formal representative of the City (as approved by Council or the Lord Mayor).

All arrangements for the giving of a ceremonial gift on behalf of the City are coordinated by Protocol.

Ceremonial gifts given by the City shall be:

- of a standard considered appropriate for the occasion;
- considered reasonable in terms of community expectations; and
- approved by a meeting of Council, where the value of a ceremonial gift will exceed \$1,000.

Ceremonial gifts received by Councillors on behalf of the City

- 12.2. The provisions of the Code of Conduct and the Curatorial Policy of the Civic Collection will apply.

Token gifts and benefits given by Councillors

- 12.3. In circumstances where it is appropriate for Councillors to give a gift or benefit, for example as a personal gesture of goodwill when receiving visitors, these gifts and benefits should be of token value as defined in the Code of Conduct.

- 12.4. In appropriate circumstances the Protocol Unit will provide suitable gifts of token value, such as key rings, pens, ties, scarves, chocolates or flowers to Councillors for issue to visitors.

Token gifts and benefits received by Councillors

- 12.5. The provisions of the Code of Conduct will apply.

13. Insurance

- 13.1. Councillors are covered under the following City insurance policies on a 24 hour basis while discharging the duties of civic office, including attendance at meetings of external bodies as Council's representative:
- Public Liability Insurance;
 - Professional Indemnity Insurance;
 - Councillors and Officers Liability Insurance;
 - Personal Accident Insurance, (accompanying partners are also covered); and
 - International and Domestic Travel Insurance.
- 13.2. The City will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by the City's insurers.

14. Legal Costs

- 14.1. In the particular circumstances outlined below, the City may indemnify or reimburse the reasonable legal expenses of a Councillor for:
- defending an action arising from the performance in good faith of a function under the Act (section 731 refers); or
 - defending an action in defamation provided that the outcome of the legal proceedings if favourable to the Councillor and the statements complained of were made in good faith in the course of exercising a function under the Act; or

- an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body, including:
 - NSW Civil and Administrative Tribunal;
 - Independent Commission Against Corruption;
 - Office of the NSW Ombudsman;
 - Office of Local Government;
 - NSW Police Force;
 - Director of Public Prosecutions; and
 - Council's Conduct Review Committee/Reviewer - only where a matter has been referred by the Chief Executive Officer in accordance with the Code of Conduct;
 - but provided that the subject of the inquiry, investigation or hearing arises from the performance of a Councillor's functions under the Act, and the matter has proceeded to a formal investigation or review. In relation to a conduct complaint, reasonable legal expenses should only be reimbursed where a formal investigation has been commenced by the Office of Local Government. Reasonable legal expenses can only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.
- 14.2. Where possible, prior approval is to be sought and gained from the Chief Executive Officer before legal expenses are incurred.
- 14.3. The City will not meet legal expenses in the following circumstances:
- any legal proceedings initiated by a Councillor;
 - a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
 - any legal proceedings that do not involve a Councillor performing their role as a Councillor.

15. Newspapers

- 15.1. Each Councillor is entitled to digital subscriptions to two daily newspapers and/or delivery of those same newspapers to their home or Town Hall office.
- 15.2. Councillors are responsible for arranging digital newspaper subscriptions and/or the delivery of newspapers to their home or Town Hall office, and claiming reimbursement.

16. Postage (\$1,500)

- 16.1. Each Councillor will be entitled to post, in City supplied envelopes, 200 standard mail items or equivalent per month cumulative within each financial year, up to a value of \$1,500 per year.
- 16.2. In recognition of the additional authorities and functions exercised by the Lord Mayor as detailed in clause 35.1, the Lord Mayor will be entitled to postage up to the value of \$3,000 per year.

Christmas/Festive Season Cards

- 16.3. Councillors may also be supplied with up to 600 Christmas Cards, or other cards specific to similar cultural festivals, and envelopes of standard size each year. Corporate Christmas Cards will also be made available in electronic format and interested Councillors are encouraged to use e-Christmas Cards. For those Councillors who choose a paper based card format, the cost of posting the 600 cards is included in the annual expense limit for postage.
- 16.4. In recognition of the additional authorities and functions exercised by the Lord Mayor as detailed in clause 35.1, the Lord Mayor will be entitled to 1,200 cards under this Policy. Where the Lord Mayor chooses a paper based card format, the cost of posting the 1,200 cards is included in the annual expense limit for postage.

17. Publications

- 17.1. Councillors are entitled to be reasonably supplied with journals, magazines and other publications of their choice relevant to their civic duties.
- 17.2. Councillors are entitled to one copy, for their own use, of any historical or other books published by or for the City.

18. Spouse/Partner/Accompanying person (\$600)

- 18.1. The cost of a spouse, partner or accompanying person attending official Council functions of a formal and ceremonial nature is appropriate when accompanying a Councillor:
- within the local government area;
 - outside the local government area but within the State when representing the Lord Mayor; and
 - at the annual conference of Local Government NSW with costs limited to the cost of registration and official conference dinners as per clause 4.2 of this Policy.
- 18.2. Official Council functions include, but are not limited to, Australia Day award ceremonies, citizenship ceremonies, civic receptions and charitable functions formally supported by Council.
- 18.3. The payment of expenses, up to an annual limit of \$600 for each Councillor, for spouses, partners or accompanying persons is appropriate for attendance at community and charity functions held within or contributing to the local government area.
- 18.4. The payment of expenses for spouses, partners or accompanying persons attending appropriate functions shall be limited specifically to the ticket and meal(s). Other expenses, such as grooming, special clothing and transport, will not be reimbursed.

19. Table Purchasing for Charity and Fundraising Events

- 19.1. Under the Guidelines for Purchasing Tables at Charity and Fundraising Events, the Chief Executive Officer is authorised to make the decision on the purchase of tables at fundraising or charity events, in consultation with the Lord Mayor.¹²
- 19.2. The following guidelines apply when determining whether a table should be purchased for a charity or fundraising event.

Priority will be given to purchasing tables for events/functions which:

- contribute toward a coordinated approach to service delivery and the development of responses to emerging social, community, cultural or economic issues;
- strengthen formal and informal support networks, reduce isolation and increase community participation and opportunities;
- increase access to and the achievement of basic rights for people with the greatest need;
- promote a balanced debate aimed at achieving social harmony;
- raise funds for a cause or organisation which is in keeping with the City's interests or experiencing exceptional circumstances involving genuine hardship; and
- events linked to the corporate and strategic objectives of the City.

- 19.3. Ticket costs or other entry fees associated with the attendance of Councillors at charity and fundraising events are included within the annual expense limit applicable to dinners, non-Council functions and community events in clause 10.1 of this Policy.

¹² As adopted by Resolution of Council on 7 May 2007

20. Training, Educational and Professional Body Membership Expenses (\$50,000 total for all Councillors)

- 20.1. The City supports the training, education and ongoing professional development of Councillors to ensure that members of Council's governing body are provided with the knowledge and skills required to undertake their roles and responsibilities effectively.
- 20.2. The City delivers a comprehensive Councillor Induction Program to assist new Councillors in understanding and performing their role and to build on the existing knowledge and skills of returning Councillors. Following a general Council election, the Councillor Induction Program will include additional training, such as in the Code of Conduct and meeting practice and procedure. New and returning Councillors are also encouraged to attend any post election workshops/seminars conducted by the Office of Local Government.
- 20.3. Costs associated with the Councillor Induction Program and other related training, such as Code of Conduct and meeting practice and procedure will be separately met from the corporate budget.
- 20.4. Council will include in its annual budget an allocation of \$50,000 per year (average of \$5,000 per Councillor) for training and development courses, education and professional body membership expenses that are directly related to Councillors' civic functions and responsibilities. Council may also agree to allocate additional funding in specific cases where it decides there is a benefit to Council from Councillors' attendance or membership. The budget allocation is for all Councillors and the Chief Executive Officer will ensure that access to training and education courses and expenses relating to professional body membership is distributed equitably.
- 20.5. Approval to attend training and education courses and professional body membership is subject to a written request to the Chief Executive Officer outlining the details of the proposed training or education or professional body membership, the benefits for Council and how it relates to the Councillor's civic functions and responsibilities.

21. Travel

General Provisions

- 21.1. In carrying out the functions of civic office, the Lord Mayor, Deputy Lord Mayor and Councillors may be required to undertake local, interstate and international travel on behalf of the City.
- 21.2. Overseas travel must be approved by Council in accordance with clause 24.1 of this Policy.
- 21.3. All travel arrangements (excluding local travel) must be made through the Office of the Chief Executive Officer. Travel arrangements (excluding local travel) must not be made by Councillors unless prior approval has been provided in accordance with this Policy.
- 21.4. 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.
- 21.5. Councillors are responsible for ensuring that they maintain all supporting documentation for travel expenses, as required under this Policy.
- 21.6. Councillors undertaking private travel, in conjunction with travel approved and funded in accordance with this Policy, must ensure that all costs incurred for private travel are clearly delineated from City funded travel arrangements.
- 21.7. Councillors are not to seek, or accept loyalty or frequent flyer points from organisations such as airlines, hire care companies or hotels in respect of transport and accommodation costs associated with travel approved in accordance with this Policy.

22. Travel – Local (\$6,000)

- 22.1. Councillors may use Cabcharge vouchers/cards for taxi travel for journeys in the Sydney metropolitan region to assist them to carry out their civic duties.
- 22.2. Upon being issued with a Cabcharge Card, Councillors must sign a form agreeing to comply with the conditions of use for the card. The City will only meet the cost of taxi journeys undertaken by Councillors for Council business purposes.
- 22.3. At the end of each Cabcharge billing period, each Councillor will receive a statement detailing taxi journeys undertaken during that period. Councillors are required to check the statement, complete a "Cabcharge Usage" form by providing the details of, and reasons for, each journey, identify any non-Council business related journey, and submit the completed form, and matching receipt for each journey detailed on the statement, to Secretariat within two months of the statement date.
- 22.4. These statements will be checked by Secretariat and, in accordance with clause 41.2 of this Policy, an invoice will be issued for reimbursement to the City of any non-Council business related journey identified by the Councillor.
- 22.5. Councillors may seek reimbursement of Opal Card costs for journeys undertaken in carrying out their functions of civic office. Claims for reimbursement of these expenses must be accompanied by a Councillor's Opal Card statement highlighting relevant journeys undertaken for Council business purposes.
- 22.6. When available, City vehicles and drivers may be utilised by Councillors for journeys in the Sydney metropolitan region to assist them to carry out their role. Requests should be directed to the Civic Functions Manager. The costs will be allocated at an hourly rate and will vary depending on whether overtime is applicable. Costs associated with driving Councillors when they are representing the Lord Mayor will not be included in the annual expense limit for local transport.
- 22.7. Councillors using their private vehicles to travel to and from meetings of Council and Committees of Council, and to carry out their other Council functions, may be reimbursed according to the rates prescribed by the Australian Tax Office. All references to private vehicles also include car share and rental vehicle use.
- 22.8. A record of private vehicle use must be maintained by the Councillor and submitted on a monthly basis using the log book provided. The record shall contain details of the Council business for which the travel was undertaken, dates, destinations, number of kilometres and any tolls, for which receipts must be provided.
- 22.9. Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts and relevant details regarding the purpose, date and time of the meeting or function.
- 22.10. The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or City vehicles on Council business.
- 22.11. Councillors are able to claim reimbursement for any bicycle hire costs used for transport while on Council business. Secure storage space is provided for Councillors in the car park of Town Hall House, 456 Kent Street, Sydney.
- 22.12. Councillors are able to claim reimbursement for the use of other forms of local transport as approved by the Chief Executive Officer, or delegate, from time-to-time.
- 22.13. The annual limit for all local transport expenses indicated above is \$6,000 for each Councillor.

23. Travel – Intrastate and Interstate

- 23.1. The City will pay reasonable expenses for domestic travel related to carrying out the functions of civic office.
- 23.2. Councillors may choose the mode of transport which is most appropriate to the circumstances, subject to overall economy and convenience.

23.3. Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs, including the costs of other persons accompanying the Councillor.

23.4. Prior approval is required from the Chief Executive Officer for travel outside the Sydney metropolitan area and interstate. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

23.5. In addition to the provisions of clauses 23.1 to 23.4, the following standing authorities are deemed to exist as at the date of this Policy:

- the attendance by Council's official delegates at the annual Local Government NSW Conference; and
- the attendance by Councillors at meetings interstate, including Canberra, explicitly for the discussion of issues related to the functions of the City of Sydney or agreements between Council and the Commonwealth, such attendance to be explicitly approved by the Chief Executive Officer in consultation with the Lord Mayor in each case. In the case of the Lord Mayor, attendance will be approved by the Chief Executive Officer and the Director, Legal and Governance.

Costs associated with the standing authorities referred to above are not to be included within the annual expense limits detailed in clauses 7.4 and 8.3.

Class of Air Travel

23.6. Unless otherwise specified in a Resolution of Council, the class of air travel to be used is to be:

- by a Councillor for continuous journeys of less than or equal to two hours duration, economy class;
- by a Councillor for continuous journeys exceeding two hours, business class; and
- by the Lord Mayor, and other Councillors accompanying the Lord Mayor, business class.

23.7. A journey which is interrupted by an overnight stop-over is not a continuous journey.

23.8. In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been available and followed at the same class of travel as was actually used. A claim for expenses must not exceed the amount actually paid.

Use of Private Vehicle

23.9. Where a Councillor uses their private vehicle, including car share and rental vehicle, to attend an approved conference or seminar outside the Sydney metropolitan region, the total claim for use of the vehicle must not exceed the cost of air travel at the specified class, plus the taxi fares to and from the airports. Reimbursement rates and procedures are the same as those detailed in clause 22.7.

Train Travel

23.10. Train travel may be first class, including sleeping berths where necessary.

Transfers

23.11. Taxis, coaches and other transfer transport expenses, including at the destination point, may be reimbursed for approved travel. (See clause 7.4 for the annual limit on expenses for attending conferences outside New South Wales (including the ACT) and clause 8.3 for the annual limit on expenses for attending conferences within New South Wales (excluding the ACT).

24. Travel - Overseas

24.1. Detailed proposals for overseas travel, including the benefits to Council, a list of associated costs and anticipated expenses must be included in the Committee or Council business papers by way of a report and approved by a meeting of Council prior to a Councillor undertaking a trip. Overseas travel is to be approved on an individual trip basis.

24.2. Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs, including the costs of other persons accompanying the Councillor.

Class of Air Travel

- 24.3. Unless otherwise specified in a Resolution of Council, the class of international air travel to be used by the Lord Mayor and all Councillors is to be business class.
- 24.4. In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been taken.

Reports on Attendance

- 24.5. For overseas meetings, conferences or seminars, a report or relevant material must be prepared for circulation to the Council and review by the public within six months of the travel undertaken.

25. Additional Expenses for the Lord Mayor

Attendance at Conferences, Seminars and Meetings

- 25.1. The Lord Mayor may attend meetings, with the City meeting the cost of travel, accommodation, meals and reasonable incidentals, as follows:
 - Council of Capital City Lord Mayors (while Council remains a CCCLM member);
 - Australian Local Government Association;
 - Local Government NSW;
 - meetings interstate and intrastate with representatives of the Commonwealth Government, State Governments, capital city local governments and regional local governments, or other bodies on city related issues; and
 - other meetings relevant to the functions of the City or the Lord Mayor's functions of office approved from time to time by Council.

Other Expenses

- 25.2. The Lord Mayor is entitled to ISD telephone access.

26. Additional Expenses for the Deputy Lord Mayor

- 26.1. The Deputy Lord Mayor is entitled to ISD telephone access.

4. Provision of Facilities

27. Introduction

- 27.1. Facilities may be defined as “equipment and services that are provided by councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors”.¹³
- 27.2. Unless stated otherwise, the facilities, equipment, administrative and other support services detailed in Part 4 of this Policy are to be made available to all Councillors on a uniform basis.
- 27.3. Specific additional facilities, equipment, administrative and other support services for the Lord Mayor and Deputy Lord Mayor are detailed in clauses 35 and 36.
- 27.4. As detailed in Part 2 of this Policy, Councillors must only use Council facilities, equipment and services in accordance with the Code of Conduct.

28. Administrative and Other Support Services

- 28.1. Each Councillor will be provided with administrative and other support services equivalent to one full time staff.
- 28.2. Any hours worked in excess of this entitlement will only be paid as a result of these staff attending Council meetings, standing committee meetings and sub-committee meetings after 5.00pm or as approved in advance by the Executive Manager, Office of the CEO.
- 28.3. Councillor support staff will be recruited by the Chief Executive Officer, in consultation with the relevant Councillor(s).
- 28.4. A generic position description for these positions is to be approved by the Chief Executive Officer.
- 28.5. Councillor support staff will be provided with a workstation or equivalent, a personal computer connected to City's network, land line phone and mobile device.

¹³ Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, Office of Local Government, 2009 p. 3

29. Building Access and Parking

- 29.1. Each Councillor will receive one security card and one key fob, allowing them 24 hour access to appropriate areas within the Sydney Town Hall and Town Hall House.
- 29.2. Each Councillor is entitled to the use of one parking space accessible on a 24 hour basis in the Town Hall House car park.

30. Name Badge

- 30.1. Each Councillor is entitled to two standard name badges.

31. Office Accommodation and Equipment

- 31.1. Councillors will be provided with office accommodation. The location of the office, the standard of accommodation, and expenditure on equipment, furniture and fit out are to be approved by the Chief Executive Officer. The standard will be such as to enable Councillors to satisfactorily carry out their civic duties.
- 31.2. Councillors will be entitled to a personal computer in their office. In lieu of a personal computer, Councillors may choose to have a lap-top computer for use at their home, non-Council workplace and office.
- 31.3. Computer usage is subject to City policy (including Internet and Email Policies) and is to be used only in the execution of the Councillors' civic duties.
- 31.4. Software required by Councillors in the exercise of their civic duties will be provided by the City as approved by the Chief Executive Officer.
- 31.5. Computer training in the use of the computer systems provided by the City will be available at the City's expense.
- 31.6. Other equipment available in each Councillors' office will include the following:
- access to a multi-function device for printing, scanning, copying and faxing;
 - paper shredder;

- a multi-function headset capable of integration with a desk phone, mobile phone and internet phone; and
- day-to-day stationery and other minor office equipment.

- 31.7. Maintenance, telephone line rental, fax and call costs for telephones in Councillors' offices (including STD calls on Council business only) will be at the City's expense. Town Hall office phones will be connected to voicemail.

32. Refreshments for Council Related Meetings (\$3,000)

- 32.1. Food and beverages will be available for Council meetings, standing committee and sub-committee meetings, Central Sydney Planning Committee meetings, other official Council Committees, Councillor briefings, approved meetings or engagements, and official Council functions as approved by the Chief Executive Officer in consultation with the Lord Mayor.
- 32.2. Councillors will be reimbursed reasonable out-of-pocket expenses incurred whilst entertaining visiting dignitaries on behalf of Council. The Chief Executive Officer in consultation with the Lord Mayor must give prior approval to these arrangements.
- 32.3. Food and beverages associated with conducting other Council business related meetings in Sydney Town Hall or Town Hall House can be arranged for Councillors through Civic Functions and/or other providers as nominated by the Chief Executive Officer, or delegate.
- 32.4. Councillors' office refrigerators may be stocked with beverages for the use of Councillors and their guests in relation to Council business from a standard range of stock items available. Requests should be directed to the Civic Functions Manager on a beverage use order form and the costs involved will be allocated to the Councillor concerned.
- 32.5. The annual combined limit for clauses 32.3 and 32.4 is \$3,000 for each Councillor.

33. Room Use

Sydney Town Hall

- 33.1. The VIP Boardroom, Finance Room, Treasury Room and Council Chamber may be booked at no cost for meetings in the exercise of the Councillor's civic duty.
- 33.2. Bookings may be made through the Civic Functions Manager.

Other Venues

- 33.3. Meeting rooms in other City of Sydney venues, such as Town Halls, Town Hall House and community centres, may be booked at no cost for meetings of up to approximately 50 people, subject to availability, in the exercise of the Councillor's civic duty.
- 33.4. Booking requests are to be made through the Executive Manager, Office of the CEO who will then seek the approval of the Chief Executive Officer, in consultation with the Lord Mayor.
- 33.5. All Councillors are to be invited to meetings held in other City venues.

Conditions of Usage

- 33.6. Room or venue bookings which may be perceived to be of a political nature or not related to the Councillor's civic duties will not be approved for free use. Where applicable, room or venue usage in those circumstances would be charged at the current community rate.
- 33.7. Costs for catering, audio visual equipment or other meeting requirements are to be met by the Councillor.

34. Stationery

- 34.1. Councillors will be supplied with corporate standard Councillors' letterhead, note paper, envelopes and business cards. The letterhead will display one Councillor's name only. Groups and affiliations are not to be displayed on Councillors' letterhead.
- 34.2. Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

35. Additional Facilities for the Lord Mayor

- 35.1. This Policy recognises the additional authorities and functions exercised by the Lord Mayor, in accordance with the Act (as amended) and Council's adopted delegations to the Lord Mayor, which include:
- to lead the governing body of Council;
 - to be a leader in the community;
 - to advance community cohesion and promote civic awareness,
 - to be the principal spokesperson on Council policy;
 - to promote partnerships between Council and key stakeholders;
 - to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level; and
 - the undertaking of civic and ceremonial functions of the mayoral office; and
 - other functions as authorised by Council in accordance with its delegations to the Lord Mayor.¹⁴
- 35.2. Council will provide the Lord Mayor with office accommodation and the services of a business unit (the Office of the Lord Mayor) to support the Lord Mayor in carrying out these authorities and functions.

¹⁴ In 2017 the Local Government Remuneration Tribunal observed that "the role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils,

state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW." Local Government Remuneration Tribunal - Annual Report and Determination, April 2017 p. 12

Office of the Lord Mayor (Business Unit)

- 35.3. The Office of the Lord Mayor will provide support and related services to the Lord Mayor for the purposes of:
- policy development and advocacy;
 - strategic planning and research;
 - communications and media;
 - community, government and industry liaison;
 - exercise of civic and ceremonial functions; and
 - administrative support.
- 35.4. The Office of the Lord Mayor is not to be used to provide services or facilities for any other purpose.
- 35.5. Council will allocate and approve an annual budget for the Office of the Lord Mayor to provide for required staff resources, facilities and other expenses associated with its day-to-day operation.
- 35.6. The annual budget for the Office of the Lord Mayor will be published on the City's website. The budget for the current financial year may be found at Appendix A.¹⁵
- 35.7. Under Council's adopted delegations, the Lord Mayor has authority to determine the structure of the Office of the Lord Mayor in consultation with the Chief Executive Officer, subject to the costs being within the annual budget allocated and provided the staffing of the unit does not exceed the equivalent of 22 full time staff.
- 35.8. Resources utilised and expenditure incurred within the Office of the Lord Mayor must be in accordance with relevant financial delegations and in consultation with the Chief Executive Officer.
- 35.9. For financial management purposes, the Office of the Lord Mayor operates as a separate cost centre.
- 35.10. Expenses reimbursed and facilities made available to the Lord Mayor in accordance with the other provisions of this Policy will be funded from the overall budget allocation for the provision of expenses and facilities to councillors and be subject to the limits specified in this policy.

Other Facilities

- 35.11. A dedicated vehicle (Toyota Prius or other vehicle of an appropriate standard), including a fuel card and driver for local and intrastate journeys (and the ACT) will be made available to the Lord Mayor to assist them to carry out the duties of civic office.
- 35.12. The vehicle and driver are to be available for other duties when not utilised by the Lord Mayor. The Lord Mayor's vehicle is maintained and replaced in accordance with the City of Sydney Motor Vehicle Policy.
- 35.13. In carrying out the functions of civic office, the Lord Mayor may use rooms in Sydney Town Hall including the Reception Room and the Lady Mayoress' Room.
- 35.14. Lord Mayoral Chains of office and robes for official, civic and ceremonial use.

36. Additional Facilities for the Deputy Lord Mayor

- 36.1. The Deputy Lord Mayor is entitled to administrative support services equivalent to two full time staff.
- 36.2. A non-dedicated vehicle and driver is available to assist them to carry out the duties of Deputy Lord Mayor for journeys in the Sydney metropolitan region. The vehicle and driver may only be used where the purpose of the transport is directly related to the functions of the Council. Such vehicle and driver will be available for other duties when not utilised by the Deputy Lord Mayor.
- 36.3. In the event a new Deputy Lord Mayor is elected, both the incoming and outgoing Deputy Lord Mayor shall be entitled to new corporate letterhead, notepaper and business cards.

¹⁵ The budget information detailed at Appendix A will be updated on an annual basis, following approval by Council of the City's annual operating budget for the forthcoming year.

5. Payment and Reimbursement

37. Payments Generally

- 37.1. Expenses and facilities provided for in this Policy can be paid by:
- the City directly;
 - reimbursement; or
 - advance payment (in exceptional circumstances e.g., overseas travel).
- 37.2. All payments by the City under this Policy will be made in accordance with existing City financial delegations, policies and procedures applicable to the particular payment method used (i.e., Purchase Order, EFT, corporate credit card, payment requests and petty cash).
- 37.3. The payment method used for particular expenses and facilities may vary depending on the cost involved in the particular expense or facility, payment deadline, staff availability and expediency. If credit card is the only available or most suitable payment method in a particular circumstance, relevant surcharges and/or processing fees may apply.

38. Assessment and Approval of Payments and Reimbursements

- 38.1. Claims for payment or reimbursement of expenses and the provision of facilities under this Policy will be assessed/approved by at least two of the following:
- the Chief Executive Officer (or the Chief Executive Officer's nominated delegate) – claim assessment and approval where specifically required under a clause of this Policy; or
 - Executive Manager, Office of the CEO (claim assessment and approval within financial delegations and where expenses claimed are within an annual expense or other limit in the Policy); or
 - Council Business Coordinator (claim assessment and approval within financial delegations and where expenses claimed are within an annual expense or other limit in the Policy); or
 - Committee Secretary (claim assessment for compliance with Policy/annual limits only). If a claim is approved, the City will make the payment directly to the relevant suppliers/service providers or reimburse the Councillor/other claimant through Accounts Payable.

- 38.2. If a claim is refused, the City will inform the Councillor/other claimant that the claim has been refused and the reasoning.
- 38.3. Claims for payment or reimbursement of expenses which are approved in accordance with the provisions of clauses 38.1 are subject to the oversight and accountability requirements outlined in clauses 44.2 and 44.3.

39. Process for Direct Payment and Reimbursement of Expenses

- 39.1. Whenever possible and practicable, the City will directly pay for Councillors' expenses and provide facilities, equipment and other resources up to the relevant annual expense limit or standard specified in this Policy. In other cases, Councillors may claim for payment or reimbursement of expenses or facilities as outlined below.
- 39.2. If sought by a Councillor, the City will pay or reimburse expenses incurred or to be incurred by a Councillor in carrying out the functions of civic office. Claims for payment or reimbursement of expenses by the City must be made using the appropriate form and provide sufficient supporting information to allow assessment of the claim.
- 39.3. Where direct payment by the City of an expense is sought by a Councillor, pre-approval under clause 38.1 of this Policy must be obtained prior to the expense being incurred.
- 39.4. Councillors are responsible for providing original receipts and completing any other required documentation (e.g., private motor vehicle log book, Opal card statement reconciliation) in support of claims for payment or reimbursement of an expense by the City under this Policy.
- 39.5. Unless otherwise stated in this Policy, claims for reimbursement of expenses incurred by a Councillor must be lodged within two months of the date of the cost being incurred, or issue date of a periodic statement or billing summary detailing the expenditure incurred by the Councillor.
- 39.6. If a claim is lodged after the time period provided in clause 39.5, it may be refused. Requests for reimbursement outside of this time limit may be accepted in exceptional circumstances, subject to the approval of the Chief Executive Officer.

40. Payment in Advance

- 40.1. Councillors seeking payment in advance for the cost of any expenses provided for in this Policy that they anticipate will be incurred in the course of undertaking their civic duties must provide sufficient supporting information to allow assessment of the request.
- 40.2. If a Councillor receives an advance payment from the City, the Councillor must, within one month of receiving such a payment, provide to the City:

- a full reconciliation of all expenses, including receipts; and
- a reimbursement of any amount of the cash advance that was not expended in the course of undertaking their civic duties.

41. Reimbursement to the City

- 41.1. For expenses that are later billed directly to the City, such as mobile phones/device and Cabcharge, Councillors are required to review the relevant bill, confirm those expenses that were incurred in carrying out their Council duties and declare any private usage. For the purposes of clause 41.2 of this Policy, Councillors will be invoiced and must reimburse the City for:
- any personal mobile phone call costs which exceeds incidental private use; and
 - the full cost of any taxi journeys undertaken for private purposes (as determined through the reconciliation mechanism/process in clause 22.2 of this Policy).
- 41.2. If the City has incurred any other expense on behalf of a Councillor that exceeds an annual expense limit as detailed in this Policy, or exceeds reasonable incidental private use (as declared by the Councillor in writing or determined by the Chief Executive Officer or their delegate):
- the City will invoice the Councillor for the amount by which the annual expense limit for a category has been exceeded, plus GST, for the actual costs incurred by the Councillor for private benefits (where these can be ascertained), or at market value; and

- the Councillor will reimburse the City for that expense as per the invoice amount and payment terms.

42. Dispute Resolution Procedure

- 42.1. In the event of a dispute regarding the reimbursement of expenses or the provision of facilities under this Policy, the Lord Mayor or a Councillor may, by written request to the Chief Executive Officer, request the review and determination of the disputed matter by the Chief Executive Officer and the Director, Legal and Governance.
- 42.2. If any matter remains in dispute, or the review parties (as detailed above) are unable to determine the matter, the disputed matter may be referred to a meeting of the Audit, Risk and Compliance Committee (comprised of the independent external members of the committee only) for determination.

6. Accountability and Transparency

43. Administrative Oversight

43.1. The Office of the Chief Executive Officer is responsible for the oversight and ongoing administration of the Policy, including, where necessary, the establishment of subsidiary practices and procedures intended to ensure high standards of probity are maintained.

44. Budget Oversight and Financial Accountability

44.1. Cost information for expenses incurred by Councillors and services and facilities provided to Councillors is generated from business units across the City.

44.2. The Chief Finance Office maintains the necessary accounting systems that ensure compliance with the requirements of this Policy and is responsible for ensuring the correct categorisation and charging of approved expenditure.

44.3. The primary internal controls that apply to the provisions of this Policy are:

- hierarchical approval requirements for all claims for expense reimbursement and the provision of facilities (operating in accordance with relevant financial delegations issued to City staff);

- monthly management reporting for budget and expenditure review and verification;
- regular capped expenditure reporting to all Councillors for secondary review and verification purposes;
- periodic expenses and facilities compliance review by way of internal audit; and
- annual operating budget development and approval processes.

45. Statutory Reporting Requirements

45.1. Under the Act and Regulation, the City is required to include specific information in its Annual Report about the payment of expenses and facilities to councillors in relation to their civic functions.

45.2. A statement of the total amount expended on the provision of facilities, and the total cost of particular categories of expenses and facilities as detailed in clause 217 of the Regulation, are included in the City's Annual Report. The categories reported are as follows:

General

- the total cost of expenses and the provision of facilities for the Lord Mayor and Councillors;

Provision of facilities

- the cost of the provision of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in the councillors' homes (including line rental and internet access). This item does not include the costs of using this equipment, such as calls;

Expenses

- the cost of phone calls including mobiles, home located landlines, facsimile and internet services;
- spouse, partner or accompanying person expenses;
- conference and seminar expenses;
- training and skill development expenses;
- interstate travel expenses (including subsistence and out-of-pocket expenses);
- overseas travel expenses (including subsistence and out-of-pocket expenses); and
- care and other related expenses (of dependants to enable a councillor to undertake their civic functions).

46. Additional Reporting of Expenses and Facilities

- 46.1. In addition to the statutory reporting requirements, the City reports the total cost of expenses and the provision of facilities for the Office of the Lord Mayor by way of the City's Integrated Planning and Reporting program and quarterly financial performance reporting.

47. Online Reporting

- 47.1. Council has resolved that expenditure incurred in accordance with this Policy will be published on the City's website quarterly.

48. Availability of the Policy

- 48.1. In accordance with the Government Information (Public Access) Act 2008, this Policy is to be made publicly available, free of charge, on the City of Sydney website as part of Council's register of open access information and policy register.

49. Policy Review

- 49.1. Council is required to review this Policy within the first 12 months of each term of office.

50. Relevant State legislation and guidelines

- *Local Government Act, 1993*
- *Local Government (General) Regulation 2005*
- Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW - October 2009 (issued in accordance with section 23A of the Act)
- Circular 10/26 Misuse of council resources
- Independent Commission Against Corruption (ICAC) publication, No excuse for misuse, preventing the misuse of council resources - Guidelines 2 (November 2002).

51. Relevant City policy documents

- City of Sydney Code of Conduct
- Internet and Email Policies
- Petty Cash Policy
- Mobile Device Policy
- Motor Vehicle Policy

52. Policy Control Statement

Authority: Resolution of Council dated (insert date)

Review Date: This policy is to be reviewed and adopted within the first 12 months of a new Council term

File Reference: S048524

Owner: Office of the Chief Executive Officer

This Policy supersedes any previous policies concerning the payment of expenses and provision of facilities to Councillors.

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8. Appendix A

Expenses and Facilities Summary Table

Policy Clause	Category of Expense/Facility	Limit	Period of Limit
5.1	Carer expenses	\$6,000	annual
6.1	Communications and mobile devices	\$5,000	annual
7.4	Conferences Interstate	\$3,000	annual
8.3	Conferences intrastate	\$2,000	annual
10.1	Council representation at non-council functions and other events	\$2,000	annual
16.1	Postage	\$1,500/\$3,000	annual
16.2	Christmas/festive season cards	600/1,200	annual
18.3	Spouse/partner/accompanying person	\$600	annual
20.4	Training/educational and professional body membership	\$50,000 (total for all Councillors)	annual
22.11	Travel - local	\$6,000	annual
28.1	Support services for Councillors	1 Full Time Equivalent	term of office
29.2	Building access and parking	1 secured parking space	term of office
32.5	Refreshments for Council related meetings	\$3,000	annual
36.1	Support services - Deputy Lord Mayor	2 Full Time Equivalent	term of office
35.1 - 35.10	Support services - Lord Mayor	Up to 22 Full Time Equivalent and in accordance with annual budget allocation (refer note 1 below)	annual

Note 1: The annual budget allocation for the Office of the Lord Mayor for the financial year 2017-2018 as approved by Council on (insert date) is \$XXXXXXXXXXXX.