

CCL 28/06/2022 – ADOPTION OF COUNCIL POLICIES

ITEM-56 Page 2 **Attachment A:** Councillor Expenses and Facilities
Policy for adoption

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Councillor Expenses and Facilities Policy

June 2022

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City of
Newcastle

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INTRODUCTION

1 Background

- 1.1 The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of City of Newcastle (CN).
- 1.2 Expenses and facilities provided by this Policy are in addition to fees paid to Councillors, as set by Council and determined by the Local Government Remuneration Tribunal as per Section 241 of the *Local Government Act 1993* (Act) and reviewed annually.

2 Purpose

- 2.1 The purpose of this Policy is to:
 - a) Clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties;
 - b) Enable the reasonable and appropriate reimbursement of expenses incurred by the Lord Mayor and Councillors while undertaking their duties and civic functions;
 - c) Enable facilities of a reasonable and appropriate standard to be provided to the Lord Mayor and Councillors to support them in undertaking their civic duties;
 - d) Ensure accountability and transparency in reimbursement of expenses and provision of facilities to the Lord Mayor and Councillors;
 - e) Ensure the provision of expenses and facilities to the Lord Mayor and Councillors is in line with community expectations;
 - f) Support a diversity of representation on the Council;
 - g) Establish a process and framework for the approval of expenses by staff; and
 - h) Fulfil CN's statutory responsibilities under the Act and *Local Government (General) Regulation 2021* (NSW).

3 Principles

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

4 Private or political benefit

- 4.1 Councillors must not obtain private or political benefit from any expense or facility provided under this Policy.
- 4.2 Incidental private use of council equipment and facilities by Councillors may occur from time to time, and does not breach this Policy or CN's Code of Conduct.

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- 4.3 Such incidental private use does not require a compensatory payment back to CN.
- 4.4 Councillors should avoid obtaining any greater private benefit from CN than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of CN facilities does occur, Councillors must reimburse CN if an actual cost of the private use can be substantiated by CN (in accordance with s.252(2) of the Act).
- 4.5 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:
- a) Production of material for a local, state or federal election;
 - b) Use of CN resources and equipment for campaigning;
 - c) Use of official CN letterhead, publications, websites or services for political benefit;
 - d) Fundraising activities of political parties or individuals, including political fundraising events.

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EXPENSES

5 General expenses

- 5.1 All expenses provided under this Policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this Policy.
- 5.2 Expenses not explicitly addressed in this Policy will not be paid or reimbursed.
- 5.3 CN will only pay up to the Maximum Limit for expenses incurred where detailed and provided for within this Policy.

6 Specific expenses

6a General travel arrangements and expenses

- 6.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2 The Lord Mayor and each Councillor may be reimbursed up to the amount indicated at Item 1 in Annexure C of this Policy, for travel expenses incurred while undertaking Official Business or professional development (including attending approved conferences and seminars). This includes reimbursement of:
 - a) public transport fares;
 - b) the use of a private vehicle or hire car;
 - c) parking costs for CN and other meetings;
 - d) tolls;
 - e) Cabcharge card or equivalent;
 - f) documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4 Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

6b Interstate, overseas and long distance intrastate travel expenses

- 6.5 Travel within Australia will be capped to the amount indicated at Item 1 in Annexure C of this Policy.
- 6.6 Councillors seeking approval for interstate and long distance intrastate travel must seek approval prior to travel in accordance with section 11.4A of this Policy.
- 6.7 Councillors seeking approval for overseas travel must submit a case to, and obtain the approval of the Council via resolution, seeking approval prior to travel. Overseas travel expenses for all Councillors will be paid in accordance with a resolution of the Council.
- 6.8 The case should include:
 - a) Objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties;
 - b) Who is to take part in the travel;
 - c) Duration and itinerary of travel;
 - d) A detailed budget including a statement of any amounts expected to be reimbursed by/to the participant/s.

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- 6.9 For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
 - 6.10 For interstate and international journeys by air of more than three hours, the class of air travel may be premium economy.
 - 6.11 Bookings for approved overseas travel by Councillors is to be undertaken by the Legal Service Unit.
 - 6.12 For air travel that is reimbursed as CN business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.
 - 6.13 Subject to the approving resolution of Council, it is expected that within a reasonable period of returning from Official Business overseas, the Lord Mayor and/or Councillor will submit a report to, or briefing to, the Council outlining the relevance of the trip to CN and the local community. The CEO will determine the appropriate method for communicating the report to the Council and local community.

6c Travel expenses not paid by CN

- 6.14 CN will not pay any traffic or parking fines or administrative charges for road toll accounts. Toll charges incurred in official travel may be reimbursed.

6d Accommodation and meals

- 6.15 CN will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel for Official Business or professional development outside of the Newcastle area, in accordance with clause 6.2, on the condition that comparable professional development is not available within 50 kilometres of the Councillor's residence.
- 6.16 Accommodation standard is to be determined on best value and government rates should be utilised where possible. Generally, the accommodation standard is to be equivalent of 4 stars.
- 6.17 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.18 The daily limits for accommodation and meal expenses outside Australia are to be determined by the CEO, being mindful of Clause 6.17 and any relevant ATO rates within Maximum Limits.

6e Refreshments for council related meetings

- 6.19 Appropriate refreshments will be available for council meetings, council committee meetings, briefings, approved meetings and engagements, and official council functions as approved by the CEO.
- 6.20 As an indicative guide for the standard of refreshments to be provided at council related meetings, the CEO must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

6f Professional development

- 6.21 The Act requires Councillors to make reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor. CN supports the training, education and ongoing Professional Development of the Lord Mayor and Councillors to ensure they develop and maintain the knowledge and skills required to undertake their roles and responsibilities effectively.

- 6.22 CN will provide up to the maximum limit in accordance with Item 3 in Annexure C of this Policy to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.23 In the first year of a new council term, CN will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.24 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.25 Approval for professional development activities is subject to a prior written request to the CEO outlining the:
- a) Details of the proposed professional development;
 - b) Relevance to CN priorities and business;
 - c) Relevance to the exercise of the Councillor's civic duties;
 - d) Benefit of the proposed professional development to CN and the Lord Mayor or Councillor;
 - e) Whether the professional development should be offered to all Councillors.
- 6.26 In assessing a Councillor request for a professional development activity, the CEO must consider the factors set out in Clause 6.26, as well as the cost of the professional development in relation to the Councillor's remaining budget.

6g Conferences and seminars

- 6.27 CN is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.28 CN will provide up to the maximum limit in accordance with Item 4 of Annexure C of this Policy and facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The CEO will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.29 Approval to attend a conference or seminar is subject to a written request to CN. In assessing a Councillor's request, CN must consider factors including the:
- a) relevance of the topics and presenters to current council priorities and business and the exercise of the Councillor's civic duties
 - b) cost of the conference or seminar in relation to the total remaining budget.
- 6.30 CN will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the CEO. CN will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21.
- 6.31 Expenses for an Accompanying Person will be paid, up to the amount indicated at Item 5 in Annexure C of this Policy, where it is considered appropriate for an Accompanying Person to attend Official Business.

6h Information and communications technology (ICT) expenses

- 6.32 CN will provide or reimburse Councillors for expenses associated with appropriate ICT expenses up to the amount indicated at Item 6 in Annexure C of this Policy per term for each Councillor. This may include mobile phones and tablets, and accessories.

- 6.33 CN will pay, up to the amount indicated at Item 6 in Annexure C of this Policy per year for each Councillor, the following expenses associated with the maintenance and operation of ICT devices and equipment provided in accordance with this Policy:
- a) Mobile phone call / SMS costs;
 - b) Data package;
 - c) Repairs or replacement.
- 6.34 Reimbursements for ICT expenses will be made only in accordance with a Bring Your Own Device (BYOD) arrangement.
- 6.35 Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.

6i Special requirement and carer expenses

- 6.36 CN encourages wide participation and interest in civic office. It will seek to ensure CN premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.37 Transportation provisions outlined in this Policy will also assist Councillors who may be unable to drive a vehicle.
- 6.38 In addition to the provisions above, the CEO may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.39 Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to the amount indicated at Item 7 in Annexure C of this Policy for attendance at Official Business, plus reasonable travel to and from their principal place of residence.
- 6.40 Child carer expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41 CN will reimburse reasonable child carer expenses up to the Maximum Limit less any child care rebates or benefits paid by the Federal Government.
- 6.42 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the CEO that reimbursement is applicable. This may take the form of advice from a medical practitioner.

6j Home office expenses

- 6.43 Each Councillor may be reimbursed up to the amount indicated at Item 8 in Annexure C of this Policy for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.
- 6.44 The Lord Mayor (or designated official spokesperson) may be reimbursed up to the additional amount indicated at Item 8 in Annexure C of this Policy for costs associated with the maintenance of a home office.

6k Australian Institute of Company Directors course

- 6.45 CN will pay expenses, up to the limit at Item 9 in Annexure C of this Policy, to complete the Australian Institute of Company Directors (AICD) course (or equivalent type learning opportunity).
- 6.46 The expenses claimed must occur within the first two years of their first term as a Councillor.

- 6.47 Approval must be sought prior to enrolling in the AICD course in accordance with clause 11.4A. The Lord Mayor and Councillors are required to provide CN with evidence of successful completion of the course.
- 6.48 CN will seek reimbursement in accordance with clause 11.13, if the Lord Mayor or Councillor does not successfully complete the course, at the determination of the CEO.
- 6.49 Applications for payment of AICD annual fees must be submitted before renewal date to ensure sufficient budget is available, applications cannot be backdated.

6l Attendance at the Local Government NSW Annual Conference or the National General Assembly

- 6.50 CN will pay the following expenses, up to the limit at Item 10 in Annexure C of this Policy, for the Lord Mayor and nominated Councillors to attend the Local Government NSW Annual Conference or the National General Assembly:
- travel and accommodation costs in accordance with this Policy;
 - registration for the delegate; and
 - tickets to the official dinner for the delegate and the delegate's Accompanying Person.

6m Sitting Fees

- 6.51 Councillors may be appointed to sit on Boards of Management, Advisory Committees or Regional Panels as part of their duties as a Councillor.
- 6.52 For Councillors appointed to a Regional Planning Panel (the Hunter and Central Coast Regional Planning Panel):
- CN will pay up to the amount indicated at Item 11 in Annexure C of this Policy for remuneration for Councillor membership in accordance with advice from the Department of Planning and Environment.
 - CN will pay up to the meeting rate indicated at Item 11 in Annexure C of this Policy for business that is undertaken outside of meetings. These fees will be indexed annually.
 - The meeting rate at Item 11 in Annexure C of this Policy is inclusive of all work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed.
 - The hourly rate at Item 11 in Annexure C of this Policy applies to any business such as electronic determinations that the panel conducts that is not connected to one of its meetings.
- 6.53 Councillors that are panel members are also entitled to their reasonable travel expenses in accordance with clause 6.2 of this Policy.

7 Insurances

- 7.1 CN's insurance policies provide cover for the Lord Mayor and Councillors against public liability, professional indemnity and other relevant claims as necessary to protect each Councillor in the performance of his or her role.
- 7.2 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.
- 7.3 If the insurer accepts a claim on behalf of a Councillor, no further approvals are required under this Policy.
- 7.4 CN shall pay the insurance policy excess in respect of any claim accepted by CN's insurers, whether defended or not.

- 7.5 Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on council business.

8 Legal assistance

- 8.1 CN 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 provided that the outcome of the legal proceedings is favourable to the Councillor;
 - b) A Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor;
 - c) A Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor, in the opinion of the CEO.
- 8.2 In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the CEO to a conduct reviewer, the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor, in the opinion of the CEO.
- 8.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4 CN will not meet the legal costs:
- a) Of legal proceedings initiated by a Councillor under any circumstances;
 - b) Subject to cl 8.6, of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
 - c) For legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5 Reimbursement of expenses for reasonable legal expenses must be approved in accordance with this Policy.
- 8.6 The exception to clause 8.4 is that CN will indemnify or reimburse the reasonable legal expenses of a Councillor for matters arising that are associated with the performance of their duties as a CN spokesperson.

FACILITIES

9 General facilities for all Councillors

- 9.1 CN will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- a) access to three car parking spaces at CN's City Administration Centre to be shared among Councillors while attending CN offices on Official Business;
 - b) access to meeting room facilities including the fully furnished Councillor Room on level 1 of CN's Administration Centre;
 - c) personal protective equipment for use during site visits;
 - d) a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Lord Mayor or Deputy Lord Mayor;
 - e) access to technical resources including CN information, policies and relevant legislation where it is relevant to them fulfilling their role as an elected Councillor in the opinion of the CEO.
- 9.2 In addition to the Councillor Room , Councillors may book other meeting rooms for Official Business at CN's Administration Centre. Rooms can be booked through the Councillor Services team.
- 9.3 The provision of facilities will be of a standard deemed by the CEO as appropriate for the purpose.
- 9.4 CN will provide the Lord Mayor and Councillors with access to:
- a) CN's Employee Assistance Program in accordance with CN's Employee Assistance Program guidelines.
 - b) CN's Corporate Fitness Program in accordance with CN's Corporate Fitness Information Booklet.
 - c) tickets to productions, exhibitions, or events presented, sponsored or hosted by CN (where these are made available to CN).

9a Stationery

- 9.5 CN will provide the following stationery to Councillors each year:
- a) Letterhead, (generally in electronic form) to be used only for correspondence associated with civic duties
 - b) Business cards
 - c) Ordinary postage stamps, as necessary
 - d) Electronic Christmas or festive cards for Councillors.

10 Additional facilities for the Lord Mayor

- 10.1 CN will provide the following additional facilities in recognition of the fulltime requirements of the role:
- a) a maintained vehicle (preferably hybrid) and a fuel card for use to attend on Official Business, and professional development. Incidental private use is permitted, subject to cl. 4.2 of this Policy.
 - b) a car parking space at CN's City Administration Centre and City Hall;
 - c) furnished office, with computer, printing and copying facilities, internet access;
 - d) office refreshments;

- e) daily newspapers/digital subscriptions;
 - f) Lord Mayoral Chains of Office and robes for official, civic and ceremonial use;
 - g) Lord Mayoral letterhead; and
 - h) A corporate credit card for the payment of expenses incurred in accordance with this Policy.
- 10.2 Staff for the Lord Mayor's Office as determined by the CEO in consultation with the Lord Mayor (as consistent with the Instrument of Delegation to the Lord Mayor).
- 10.3 When deputising for the Lord Mayor, the Deputy Lord Mayor will be provided with reasonable access to and use of the facilities provided to the Lord Mayor under this Policy. Expenses incurred during this time related to the use of facilities will be deducted from the Lord Mayor's budget.

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PROCESS

11 Approval, payment and reimbursement arrangements

- 11.1 Expenses should only be incurred by Councillors in accordance with the provisions of this Policy.
- 11.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3 Up to the maximum limits specified in this Policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of Official Business
 - carer costs
 - office related expenditure.
- 11.4 Final approval for payments made under this Policy will be granted by the CEO or their delegate.
- 11.5 Claims for payment of an expense incurred by the Lord Mayor or a Councillor will be assessed in accordance with the relevant clauses of this Policy, by at least two of the following:
- a) the CEO;
 - b) the Director Governance and Chief Financial Officer;
 - c) the Manager Finance; or
 - d) the Manager Legal.
- 11.6 The Lord Mayor is provided with a corporate credit card to pay for expenses incurred in accordance with this Policy up to the Maximum Limit. Expenses relating to the Lord Mayor's Office and staff within the Office must be incurred in accordance with other relevant CN policies (including but not limited to CN's Procurement Policy). Statements must be reviewed and approved by the CEO and Director Governance and Chief Financial Officer.

11a Direct payment

- 11.7 CN may approve and directly pay expenses. Requests for direct payment must be submitted via the Online Councillor Expenses Claim Form found on the Councillors' Hub and provide sufficient information and time to allow for the claim to be assessed and processed.
- 11.8 All claims for direct payment will be assessed in accordance with clause 11.5.

11b Reimbursement

- 11.9 All claims for reimbursement of expenses incurred must be lodged within 28 days of the expense being incurred. The claim should be submitted via the Online Councillor Expenses Claim Form found on the Councillors' Hub, provide sufficient information to allow assessment of the claim and should be supported by appropriate receipts and/or tax invoices.
- 11.10 If it is not possible to attach tax invoices and/or receipts, Councillors must provide a statutory declaration explaining the calculation of the claim and why it should be paid.
- 11.11 All claims for reimbursement will be assessed in accordance with clause 11.5. If a claim is lodged after the time period provided in clause 11.9, it may be refused.

11c Notification

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

11d Reimbursement to CN

- 11.14 If CN has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this Policy:
- a) CN will invoice the Councillor for the expense; and
 - b) the Councillor will reimburse CN for that expense within 14 days of the invoice date.
- 11.15 If the Councillor cannot reimburse CN within 14 days of the invoice date, they are to submit a written explanation to the CEO. The CEO may elect to deduct the amount from the Councillor's allowance.
- 11.16 Invoices for actual costs incurred by the Lord Mayor or a Councillor for private benefits will be issued where actual costs can be ascertained (for example costs of private use of a mobile phone will be calculated based on the mobile phone account).

11e Timeframe for reimbursement

- 11.17 Unless otherwise specified in this Policy, Councillors must provide all claims for reimbursement within 28 days of an expense being incurred. Claims made after this time cannot be approved.

12 Disputes

- 12.1 If a Councillor disputes a determination under this Policy, the Councillor should write to the CEO.
- 12.2 If the Councillor and the CEO cannot resolve the dispute, the Councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

13 Return or retention of facilities

- 13.1 All unexpended facilities or equipment supplied under this Policy are to be relinquished immediately upon a Councillor or Lord Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2 Should a Councillor desire to keep any equipment allocated by council, then this Policy enables the Councillor to make application to the CEO to purchase any such equipment. The CEO will determine an agreed fair market price or written down value for the item of equipment.
- 13.3 The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in CN's Annual Report.
- 13.4 Where the Lord Mayor or a Councillor does not return CN equipment and facilities to CN upon ceasing to hold office as a Lord Mayor or a Councillor, CN will invoice them for the costs of those items, based on fair market value as determined by the CEO.

14 Publication

- 14.1 This Policy will be published on CN's website.

15 Reporting

- 15.1 CN will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2 Reports on the provision of expenses and facilities to Councillors are included in the Executive Monthly Report, and summarised in CN's Annual Report.

16 Auditing

- 16.1 The operation of this Policy, including claims made under the Policy, may be included in CN's audit program at the determination of the CEO.

17 Breaches

- 17.1 Suspected breaches of this Policy are to be reported to the CEO.
- 17.2 Alleged breaches of this Policy shall be dealt with by following the processes outlined in CN's Codes of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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ANNEXURE A - DEFINITIONS

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 refreshment means food and beverages, excluding alcohol, provided by council to support Councillors undertaking Official Business.

Act means the *Local Government Act 1993* (NSW).

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 Lord Mayor.

CEO means the Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the CEO are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

City of Newcastle (CN) means Newcastle City Council.

Council means the elected Council.

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 Lord 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:

- 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 Lord Mayor.

Regulation means the *Local Government (General) Regulation 2021* (NSW).

Staff means CN employees (full time, part time and casual), contractors, and consultants.

Year means the financial year, that is the 12 month period commencing on 1 July each year.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

ANNEXURE B - POLICY AUTHORISATIONS

Title of authorisation	Description of authorisation	Position Title and Number
Approval of payment of Councillor Expenses	Authority to approve payment or reimbursement of expenses in accordance with this Policy.	Any two of: <ul style="list-style-type: none"> • P10001 CEO • P20676 Director Governance and Chief Financial Officer • P20052 Manager Finance • P30025 Manager Legal

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ANNEXURE C – TABLE OF EXPENSES

This Policy sets out the maximum amounts CN will pay for specific expenses and facilities. Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

The following table details the expense types what CN will pay for where the expense incurred relate to the Lord Mayor and Councillors' civic function/role only, the frequency and maximum limit payable.

All monetary amounts are exclusive of GST.

Item:	Expense or Facility	Maximum Limit	Frequency
1	<p>Travel arrangements and expenses – within Australia</p> <p>This includes payment or reimbursement of:</p> <ul style="list-style-type: none"> flights public transport fares the use of a private vehicle or hire car parking tolls Taxi fare (including Cabcharge card) or equivalent ride-share services such as Uber, where tax invoices can be issued. <p>Refer to section 6 of this Policy.</p> <p>Note: overseas travel expenses will be paid in accordance with a specific resolution of Council – Refer to section 6.7 of this Policy.</p>	<p>\$2,000 per Councillor</p> <p>Additional \$2,000 for the Lord Mayor</p>	Per year
2	<p>Accommodation and meals</p> <p>This includes payment or reimbursement of:</p> <ul style="list-style-type: none"> overnight accommodation reasonable cost of meals not provided as part of accommodation or a registration fee. <p>Refer to section 6.15 of this Policy.</p>	This is provided for under the Maximum Limit of Item 1.	
3	<p>Professional development</p> <p>This includes payment or reimbursement of:</p> <ul style="list-style-type: none"> Cost of attendance at training programs and courses that will help to acquire and maintain the knowledge and skills necessary to perform their roles. Professional memberships <p>Refer to sections 6.24 and 6.25 of this Policy.</p>	\$5,000 per Councillor	Per year
4	<p>Conferences and seminars</p> <p>This includes payment or reimbursement of:</p> <ul style="list-style-type: none"> Tickets to attend events and functions connected to the civic role or events providing the opportunity to keep up to date with contemporary issues facing CN, the community, and local government in NSW. <p>Refer to sections 6.28 - 6.296.31 of this Policy.</p>	This is provided for under the Maximum Limit of Items 1 and 3.	

5	<p>Accompanying Person</p> <p>This includes payment or reimbursement of a ticket for where it is appropriate for an Accompanying Person to attend Official Business, such as:</p> <ul style="list-style-type: none"> • Australia Day award ceremonies • citizenship ceremonies • civic receptions • community functions held within or contributing to the local government areas • charitable functions formally supported by CN. <p>Refer to section 6.31 of this Policy.</p>	<p>\$500 per Councillor</p> <p>Additional \$500 for the Lord Mayor</p>	Per year
6	<p>Information and communications technology (ICT) devices and expenses</p> <p><u>Devices</u></p> <p>This includes the issuance of:</p> <ul style="list-style-type: none"> • Mobile phone • Tablet <p><u>Expenses</u></p> <p>This includes payment or reimbursement of:</p> <ul style="list-style-type: none"> • Mobile phone call costs • Data package • IT support • Repairs or replacement. <p>Refer to sections 6.32 - 6.35 of this Policy.</p>	<p>\$4,000 per Councillor</p> <p>\$3,000 per Councillor</p>	<p>Per term</p> <p>Per year</p>
7	<p>Special requirement and carer expenses</p> <p>This includes payment or reimbursement of:</p> <ul style="list-style-type: none"> • Accessibility provisions, including travel • carer's expenses. <p>Refer to sections 6.39 - 6.42 of this Policy.</p>	\$6,000 per Councillor	Per year
8	<p>Home office expenses</p> <p>This includes payment or reimbursement of:</p> <ul style="list-style-type: none"> • Stationery and office supplies • Postage costs • Newspapers/digital subscriptions • Business cards • Name badge • Christmas cards. • Home internet <p>Refer to section 6.43 of this Policy.</p>	<p>\$500 per Councillor</p> <p>Additional \$1,500 for the Lord Mayor</p>	Per year
9	<p>Australian Institute of Company Directors course (or equivalent type of learning opportunity subject to approval)</p>	<p>\$4,000 per Councillor</p> <p>Note:</p>	Per term

	<p>This includes payment or reimbursement for:</p> <ul style="list-style-type: none"> • Cost of enrolment • Membership fees (annual) <p>Refer to sections 6.45 and 6.46 of this Policy.</p>	<p>The expenses claimed must occur within the first two years of their first Term as a Councillor.</p>	
10	<p>Local Government NSW Conference and National General Assembly</p> <ul style="list-style-type: none"> • Registration fees • Tickets to the official dinner for Councillor and Accompanying Person <p>Refer to section 6.50 of this Policy.</p>	<p>Limit - \$20,000</p> <p>Shared amongst elected representatives for CN's representation</p> <p>Limit is a combined amount for both events</p>	Per year
11	<p>Hunter and Central Coast Regional Planning Panel membership</p> <p>This includes payment of:</p> <ul style="list-style-type: none"> • Remuneration for Councillor membership in accordance with advice from the Department of Planning and Environment • Remuneration for business undertaken outside of meetings in relation to the role as a member. <p>Refer to section 6.52 of this Policy.</p>	<p>\$600 per Councillor member per meeting (indexed annually)</p> <p>\$71 per / hour (indexed annually)</p>	Per year

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

DOCUMENT CONTROL

Policy title	Councillor Expenses and Facilities Policy
Policy owner	Manager Legal
Policy expert/writer	Councillor and Executive Support Officer
Prepared by	Legal
Approved by	Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next revision date	To be completed by Legal
Termination date	To be completed by Legal (one-year post revision date)
Version #	9
Category	Council
Keywords	Lord Mayor, Councillors, expenses, facilities, travel, professional development, communication
Details of previous versions	Version #8 - ECM 6505677
Relevant strategy	Nil.
Relevant legislation/codes (reference specific sections)	<i>Local Government Act 1993 (NSW) s.232, 252, 253, 254, 254B 382, 439, 440.</i> <i>Local Government (General) Regulation 2021 (NSW) cl. 217, 403</i>
Other related documents	CN's Codes of Conduct
Related forms	Online Councillor Expenses claim form
Required on website	Yes
Authorisations	Refer to functions authorised under this Policy at Annexure B.