

Department:	Corporate Services
Unit:	Governance and Councillor Services
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OBJECTIVE

To comply with the provisions of Section 252 of the Local Government Act 1993 requiring the Council to adopt a policy concerning the payment of expenses incurred or to be incurred by the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of Civic Office.

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor and Councillors are appropriate to the importance of the Office.

To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their Civic responsibilities as a member of the governing body of the Council or as an elected person.

INTRODUCTION

In accordance with the provisions of the Local Government Act 1993, the Council is required to adopt a policy concerning the payment of fees and expenses and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Councillors, in carrying out their civic responsibilities are required to attend a variety of functions in their capacity as a representative of Council, ie Council Meetings, Committee Meetings and as Delegates.

Councillors will also be expected to attend a variety of functions in a capacity where they may not directly represent Council but attendance is relevant to their effectiveness as a Councillor, ie attendance at Community Functions.

The Local Government Act 1993, recognises this obligation and makes provision for the payment of fees (section 248 and section 249); the payment of expenses (section 252) and the provision of facilities (section 252).

STATUTORY PROVISIONS - LOCAL GOVERNMENT ACT 1993

Division 5 of Chapter 9 of the Local Government Act 1993 provides what fees, expenses and facilities may be paid or provided to the Mayor and Councillors.

FIXING AND PAYMENT OF ANNUAL FEES FOR COUNCILLORS

ANNUAL ALLOWANCE

The Local Government Remuneration Tribunal is required determine fees not later than 1 May in each year, the maximum amounts of fees to be paid during the following year to Councillors and the Mayor (section 241 of Local Government Act 1993).

Wyong Shire Council has fixed the annual fees at the maximum level in accordance with the Remuneration Tribunal determination.

“Section 248 provides:

- (1) A Council must pay each Councillor an annual fee.*
- (2) A Council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (3) The annual fee so fixed must be the same for each Councillor.*
- (4) A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

Section 248A provides:

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

- (a) the councillor is suspended from civic office under this Act, or*
- (b) the councillor’s right to be paid any fee or other remuneration is suspended under this Act,”*

unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.

FIXING AND PAYMENT OF ANNUAL FEES FOR THE MAYOR

“Section 249 provides:

- (1) A Council must pay the Mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.*
- (3) A Council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor’s annual fee.”*

AT WHAT INTERVALS ARE FEES TO BE PAID

“Section 250 provides:

Fees payable under this Division by a Council are payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES

“Section 252 provides:

- (1) A Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of Civic Office.*
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to a Mayor or Councillor of a facility provided by the Council to the Mayor or Councillor.*
- (3) Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor or a Councillor otherwise than in accordance with this policy.*
- (4) A Council may from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the Regulations.”*

PUBLIC NOTICE OF PROPOSED POLICY

“Section 253 provides:

- (1) A Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending a policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendments are not substantial.”*

DECISION TO BE MADE IN OPEN MEETING

“Section 254 provides:

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

ANNUAL REPORT

“Section 428 requires a Council to prepare an annual report within five months of the end of each year. This report must include details of:

- (f) *the total amount of money expended during the year on Mayoral fees and Councillors fees, the Council's policy on the provision of facilities for use by Councillors and the payment of Councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of facilities and the payment of such expenses.”*

1 EXPENSES

1.1 Council and Committee Meetings / Inspections / Official Functions

- a Councillors will advise the General Manager of their normal mode of travelling to Council and Committee and other meetings, official functions and inspections authorised by Council.
- b Payment to and from Council and Committee meetings, inspections etc will be based on the number of kilometres travelled from the Councillor's place of residence as nominated on the electoral roll, multiplied by the rate in the Local Government State Award for Council staff who provide a private vehicle for Council business. This rate is currently 64c per kilometre for vehicles up to 2.5 litres capacity and 73c per kilometre for vehicles over 2.5 litre capacity.
 - i Councillors are entitled to be paid the expenses for travelling to attend Council and Council Committee meetings, and for other inspections and official functions within the area as formally approved by the Mayor or Council. The amount payable will be based on the distance to and from the meeting etc by the shortest practicable route.
 - ii When inspections have been approved by Council and arranged by staff it would be reasonable for Councillors attending the inspections to meet at the Council Administration Building and travel by bus to and from such inspections.
 - iii A Council vehicle is available for use by Councillors in undertaking official duties.
 - iv Where meals and/or refreshments are required, these are normally provided by Council and where this is not practicable Councillors shall be entitled to claim reimbursement for reasonable cost incurred.
 - v Council is not responsible for traffic or parking fines incurred while travelling on Council business.

1.2 Community Meetings, Inspections, Precinct Committees etc.

Travelling and/or other expenses are not payable where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or the Mayor.

1.3 Conferences/Seminars/Training/Travel Outside of Area

1.3.1 Eligibility to Attend/Notification

- a Councillors are encouraged to attend conferences, seminars and external training sessions that will support their professional development as a Councillor.
- b Councillors may also be required to travel outside of the area for attendance at functions concerning Sister City arrangements or the like.
- c Advice of appropriate conferences, seminars, external training sessions or attendance at functions outside the area will be displayed in the Councillors conferences and training seminars electronic noticeboard and regularly updated. An email will be sent to Councillors advising when the noticeboard has been updated. This will normally allow each Councillor time to evaluate the content and appropriateness of the event.
- d Councillors will notify the Manager, Corporate and Administration Services of conferences/seminars they are interested in attending.
- e Details of conferences, seminars and external training sessions that Councillors have indicated interest will be reported to the next Council meeting for determination. Attendance at a conference, seminar, external training session, or attendance at functions outside the area must be approved at a Council meeting.
- f Where the advice of the conference, seminar or external training session, or attendance at functions outside the area is received at a time which does not permit adequate reporting and authority to be given by Council resolution, the Mayor and the General Manager (or Deputy Mayor and Acting General Manager where appropriate) may approve the attendance in accordance with the procedure and conditions contained in the policy and subsequently report to Council.
- g The maximum number of Councillors that may be authorised to attend a conference or seminar is three. However, this restriction on numbers will not apply to attendance by Councillors at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association.
- h Where a Councillor authorised to attend a conference, seminar, external training session, or attendance at functions outside the area is unable to attend the event due to ill health or family emergency, the Mayor may nominate another Councillor as a replacement participant.
- i Where the Council has incurred costs and a replacement Councillor is not nominated by the Mayor and the Councillor's non-attendance is not a family or employment or medical emergency, then all costs incurred by the Council will be charged to that Councillor.
- j A Councillor may attend a maximum of three conferences per year excluding the NSW Local Government Association annual conference.

- k The provisions of this policy relating to attendance by Councillors at conferences, seminars, external training sessions, or attendance at functions outside the area may be overridden by SPECIFIC RESOLUTION of Council where good and sufficient reasons are submitted to support the overriding of the policy.
- l The Mayor is excluded from the provisions of Clauses 1.3.1(f) and 1.3.1 (i) above insofar as they may inhibit the Mayor's attendance at such events as part of the proper role of the Mayor.
- m Notwithstanding Council approval to attend all or part of any conference a Councillor will before registration, satisfy himself/herself:
 - i that the program is potentially of benefit to Wyong Council and/or to his/her professional development as a Councillor; and
 - ii that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy.
- n Councillors are expected to attend all conference sessions for which they are registered other than in the following circumstances:
 - I to attend to a family, employment or medical emergency;
 - ii where the session demonstrably has no benefit/interest to both Wyong Council and the particular Councillor;
 - iii to attend to other matters of potentially greater significance to the Council for example meetings with State or Federal Parliamentarians; networking with other Councillors or special interest groups; inspection of a public works or facility, and the like.
- o Unless otherwise specified by resolution of Council, the class of air travel to be used by a Councillor is to be full economy class.
- p Taxis, coaches and other transfer transport expenses, including at the destination point, may be reimbursed where the travel has been approved by Council.
- q Councillors attending conferences must provide a written report detailing the proceedings of the conference. (Ord 27/11/02). No written report is required for the annual conference of the NSW Local Government and Shires Association Conference.
- r Travel insurance will only be provided for air travel interstate or overseas.

1.3.2 Expenses and Fees

- a Council will pay the following costs relating to the attendance by authorised delegates at conferences, seminars, training sessions:
 - i Registration fees.
 - ii Accommodation.
 - iii Travelling to and from the location.
 - iv Out-of-pocket expenses (meals, fares, etc) incurred in attending the various sessions of conference etc and in travelling to and from the area the conference etc is being held.
- b Travelling to and from the area where the conference etc is being held will be by the most practicable method and where considered appropriate by the Mayor will be by Council vehicle.
- c Councillors' partners.
Councillors' partners may accompany the Councillors to a conference, seminar etc. provided all additional costs are met by the Councillor.
- d Where the mode of transport to a conference/seminar/external training is other than by car the use of a rental car at the location may be approved by the Mayor or the General Manager and the following conditions will apply:
 - i the approval to use a rental vehicle must be given in advance of the delegates leaving to attend the approved function;
 - ii approval will not exceed one vehicle for each four persons, including partners, attending;
 - iii Council will be responsible for the payment of kilometres and fuel involved in the delegates attending events associated with the approved function and inspections approved by the Mayor and General Manager (or Deputy Mayor or Acting General Manager where appropriate).

1.4 Attendance at dinners and other non-council functions

Consideration may be given to meeting the cost of councillors' attendance at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business. Approval will only be given when the function is relevant to the Council's interest. Only the cost of the service provided will be met. No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

1.5 Legal Expenses

1.5.1 Council may indemnify or reimburse the reasonable legal expenses of a Councillor in the circumstances described below:

- a a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers) (as distinguished from merely something a Councillor has done during his/her term of office); or
- b a councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- c a councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.

1.5.2 Council may not meet costs in the following circumstances:

- a an action in defamation taken by a councillor or council employee as plaintiff in any circumstances
- b a councillor or council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

1.6 Carer's Expenses

Councillors are entitled to the reimbursement of carer's expenses that were necessary to enable Councillors to attend Council business. The maximum entitlement for such expenses is **\$3,000** per annum. Receipts will need to be provided no later than 12 months after the expense has been incurred for reimbursement of funds.

1.7 Postage

Councillors are entitled to the reimbursement of postage expenses that were necessary to enable Councillors to attend to Council business. The maximum entitlement for such expenses is **\$200** per annum. Receipts will need to be provided no later than 12 months after the expense has been incurred for reimbursement of funds.

1.8 Council Delegate

Where a Councillor is appointed by Council or (with Council's prior approval) is elected or appointed to an outside related Local Government organisation and expenses are not payable by the outside organisation, the Councillor will be entitled to be paid expenses in accordance with this policy.

1.9 Deductions

Amounts owing by a Councillor relating to fees or expenses for reimbursements and/or accompanying partner's expenses are to be deducted from amounts due to the Councillor under this Policy.

2 FACILITIES

2.1 Stationery

Council will, upon request, provide at Council's cost the following stationery to Councillors for use on Council business only:

Writing pads
Envelopes
Box files
Business cards
Writing pens
Diary
Folders
Printer Cartridges
Paper

2.2 Training

Council will provide training for Councillors as is appropriate for the effective discharge of the functions of Civic Office. Such training will be at Council's expense and will be provided by Council's own staff or by outside providers as appropriate.

2.3 Parking

An allocated parking space will be provided on each Council meeting day.

3 EQUIPMENT

3.1 Council will provide each Councillor with, and maintain, at Council's cost the following equipment to facilitate the undertakings of the functions of Civic Office:

- a Facsimile machine and telephone line
- b Facsimile machine supplies
- c Mobile telephone with message bank and car kit – Each Councillor is allowed **\$1,500** per installation. Cost per Councillor must not exceed \$1,500 per year.

- d Laptop computer and printer including access to e-mail, the internet and telephone line. Different levels of internet access are available with different cost levels per month as follows:

\$0	No private / family use
\$20	Private / family use
\$40	Full private use

The appropriate use of these facilities is provided for in the attached document "Guidelines for Appropriate Use of E-Mail, the Internet by the Mayor and Councillors".

- e Digital Camera

3.2 a Councillors may elect to use their own private equipment in lieu of the Council equipment.

- b Where Councillors use their own mobile phones, Council will pay 50% of rental, 85% of service charge for message bank and 85% of the cost of calls with the contribution being added to Councillors fees on a monthly basis.

- c Where Councillors use Council mobile phones, Council will deduct 15% of the cost of calls up to an amount of **\$1,990** per annum, with the contribution being deducted from Councillors fees on a monthly basis. The Mayor and General Manager are authorised to vary this amount as circumstances dictate or require.

The General Manager and Deputy Mayor are authorised to vary this amount in respect of the Mayor's costs.

- d Notwithstanding (b) and (c) above, the maximum amount to be met by Council for each Councillors mobile phone usage will be **\$1,990** per annum with any excess being deducted as appropriate from the Councillor's fees. The maximum amount to be met by Council for the Mayor shall be **\$3,880** per annum.

- e Where Councillors use their own facsimile machines on their own private telephone line for Council business, Council will pay 50% of the rental and 50% of calls up to an amount of **\$300** per annum.

- f Where Councillors use their own private telephone line for Council business, Council will pay 50% of the rental and 50% of calls up to an amount of **\$400** per annum.

- g Any costs above the approved amount will be deducted from fees owing to the individual Councillor(s).

3.3 When a Councillor ceases to hold Civic Office he/she may purchase the equipment at an amount determined by an independent valuation or return the equipment to Council.

4 CORPORATE DRESS

Upon request each Councillor will be provided with the following Corporate Uniform on an annual basis except in the lead up to a Council election:

Male	Female
One shirt	One top
One part of trousers	One bottom
One vest or jacket	One vest or jacket
One tie	One scarf
One belt	One belt
Protective clothing including hat	Protective clothing including hat
One polo shirt	One polo shirt
One wind jacket	One wind jacket
One "bomber" jacket	One "bomber" jacket

The Mayor and General Manager (Deputy Mayor and Acting General Manager where appropriate) are authorised to vary the allocations if deemed necessary.

All uniform items must be returned if not seeking re-election or if not re-elected to the position of Councillor.

5 THE MAYOR

In addition to the entitlements for expenses, stationery and equipment as provided in this policy the Mayor shall be entitled to the facilities, expenses, equipment etc as contained in this section.

5.1 Mayoral Allowance

- a The Mayor will be paid an annual fee set by Council in accordance with Section 249 of the Local Government Act 1993.
- b The Council will meet the Mayoral Room expenses associated with Australian Citizenship ceremonies, Civic receptions, official visits, and other like functions and meetings.

5.2 Secretarial - Mayor

- a The Mayor will be provided at Council's cost with office facilities and entertaining area in the Administration building.
- b The Mayor will be provided at Council's cost with secretarial support to facilitate the duties of Mayoral Office.

5.3 Equipment

The Mayor will be provided with a 6 cylinder motor vehicle, such as a Ford Ghia or Holden Calais, maintained and fuelled by Council, to discharge the functions of Civic Office and the undertaking of Council business.

The Mayor is entitled to use the motor vehicle for purposes other than the discharge of functions of Civic Office and the performance of Council business, such use must be paid for by the Mayor by way of a reduction in the Mayoral Allowance of \$1,621 per annum. Such amount to be varied on 1 October each year in line with movement in the Consumer Price Index for the 12 months ending 30 June previous.

6 THE DEPUTY MAYOR

- 6.1** In accordance with the provisions of the Local Government Act 1993 the Council may elect from its members a Councillor to be the Deputy Mayor.

The Wyong Council elects one of its Councillors to the position of Deputy Mayor annually.

- 6.2**
- a Where the Deputy Mayor is required to undertake the role of Mayor the Council may determine a fee to be paid to the Deputy Mayor. The amount paid under this provision is deducted from the Mayor's annual fee.
 - b The Deputy Mayor will be paid an annual fee set by Council in accordance with Section 249 of the Local Government Act 1993.
 - c The fee paid to the Deputy Mayor will increase by the same percentage as any increase of the Mayoral Allowance, set in accordance with Clause 5.1 of the Policy.

7 COUNCILLORS

7.1 Secretarial - Councillors

- a Two interview rooms for use by Councillors in undertaking their civic duties are available in the Administration Building. Prior reservation for the use of these rooms is required and can be arranged by contacting Council's Receptionist.
- b Secretarial support for use by the Councillors will be provided at Council's cost for official Council business only.

8 INSURANCES

Council will provide, at its cost, adequate insurance to protect the interest and welfare of all Councillors in carrying out the duties of Civic Office and to protect equipment issued to Councillors under this policy.

9 WITHHOLDING OF COUNCILLORS' FEES & OTHER REMUNERATION

Section 440K of the Local Government Act 1993, prevents Council from paying a fee to a Councillor for a period during which the Councillor has been suspended under that section. A Councillor suspended under Section 440K is also not entitled to any other remuneration contained within this policy to which he or she as the holder of the Civic Office.

10 AMENDMENT AND MAKING OF POLICY

This policy may only be changed by the adoption of a new policy in accordance with the procedures contained in Division 5 Part 2 Chapter 9 of the Local Government Act 1993 except:

- 1 Where a mandatory change(s) is required due to an amendment to the Local Government Act or Regulations such change(s) will be made administratively and a report detailing the change(s) will be submitted to an Ordinary Meeting of Council.
- 2 Where an amendment to the Local Government Act or Regulations provides that an optional change(s) may be made to the policy such will be reported to an Ordinary Meeting of Council.
- 3 Where a change is required as an updating of an amount or a figure in accordance with a procedure or guideline contained in the policy the change(s) will be made administratively and are not required to be reported to Council.
- 4 Before adopting or amending a policy for the payment of expenses or provision of facilities, the Council must give at least 28 days public notice of the proposal. (Section 253(1)).
- 5 However, if the Council is of the opinion that any amendments to a policy are not substantial, it may adopt the amended policy without giving public notice. (Section 253(3)).
- 6 The Council or a Council Committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended or at which any proposal concerning those matters is discussed or considered. (Section 254).

11 PRIVATE USE CONTRIBUTIONS BY COUNCILLORS

Private use contributions for the private usage of internet and email by Councillors is to be set at the minimum internet service provider (isp) for a similar type service. If no private / family use is selected, access will be denied to the following web site categories:

- 1 Adult/Sexually Explicit
- 2 Intolerance and Hate
- 3 Criminal Activity
- 4 Tasteless and Offensive
- 5 Violence
- 6 Weapons
- 7 Illegal Drugs
- 8 Gambling
- 9 Hacking
- 10 Spy ware

12 APPROVAL ARRANGEMENTS

The Mayor and General Manager have joint authority to approve discretionary trips and attendance at conferences where it is not possible for the request to go to a full Council Meeting first. The trips and conferences are still required to be authorised by full Council at a later date.

13 TIME LIMIT ON SEEKING REIMBURSEMENTS

Receipts will need to be provided no later than 12 months after the expense has been incurred for reimbursement of funds.

14 PAYMENTS IN ADVANCE

Councillors may request advance payments for trips and conferences. The costs are required to be reconciled and receipts produced at a later date.

**ATTACHMENT 1
GUIDELINES FOR
APPROPRIATE USE OF E-MAIL AND THE INTERNET
BY THE MAYOR AND COUNCILLORS**

INTRODUCTION

Wyong Shire Council computer equipment, computer systems, network utilities and electronic mail (e-mail and internet access) are now available to the Mayor and Councillors to assist them in conducting Council business.

Councillors may use email for:

- Forwarding informational material to the Mayor or other Councillors.
- Distributing requests to the General Manager, Directors or Managers.
- Referring questions and concerns from members of the public to the General Manager for staff response.
- Responding to public inquiries.
- Scheduling meetings or other events.
- Replying to e-mail correspondence.

INAPPROPRIATE USE OF E-MAIL

E-mail and the Council computer networks, which support it, are a public asset. Like any public asset, they are to be used for Council business.

Personal use is not acceptable unless private / full private use has been selected and paid for.

E-mail is subject to the same legislative requirements, policies and practices that apply to written and verbal communication, such as the Sex Discrimination Act 1984, Disability Discrimination Act 1992, and Racial Discrimination Act 1975.

The following uses of Councillor email are not appropriate:

- Illegal or fraudulent activity.
- To create, send or copy offensive, harassing, discriminatory racial vilification or disruptive messages.
- To receive, download or send copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorisation.
- To solicit or promote commercial ventures, religious or political causes or for other non-Council matters.
- The release of untrue, distorted or confidential information regarding Council business.
- To introduce computer viruses into the Council network system.
- The nature of e-mails means that they are not easily destroyed and are very easily disseminated - users should not use e-mail to distribute information which may be regarded as defamatory, destructive or critical of Council.
- "Spoofing", ie constructing an e-mail communication so it appears to be from someone else.
- To present the e-mail message in such a way that it may be interpreted by a recipient as official Council correspondence.
- Attempting unauthorised access to e-mail or attempting to breach any security measures on any electronic mail system, or attempting to intercept any e-mail transmissions without proper authorisation.

SENSITIVE OR CONFIDENTIAL INFORMATION

E-mail should not be used to communicate sensitive or confidential communications. E-mail can be easily forwarded to large numbers of people who may then copy it, save it and/or send it to others. Further, computer backup systems may store electronic data in retrievable form long after a user hits a "delete" key.

Note: Providing warning notice such as "Confidential Communication - Do Not Forward" does not guarantee confidentiality. It does not preclude the recipient from forwarding it to another party. Likewise, a court may later find that a document is subject to public disclosure despite its "confidential" designation.

HOW SHOULD THE MAYOR AND COUNCILLORS RESPOND TO E-MAIL FROM OUTSIDE THE COUNCIL?

E-mail from outside the Council should receive the same response as communications received by traditional means such as mail, telephone or facsimile.

The State Records Act requires that only correspondence concerning Council's business and activities need to be retained within Council's corporate records system as evidence of those activities. The Act defines a public record as "any record made or received by any person in the course of the exercise of official functions in a public office, or any purpose of a public office or for the use of a public office."

E-mail pertaining to Council business and activities received by the Mayor and Councillors is subject to the same laws as printed documents, and should be forwarded to Council for recording on the Corporate System.

Some examples of e-mails that Councillors could receive that would be a public record would be e-mails from ratepayers which were a complaint, a submission regarding a development or proposal before Council or an email requesting information relating to Council business.

SHOULD THE MAYOR AND COUNCILLORS DELETE E-MAIL MESSAGES, WHICH ARE SENT OR RECEIVED BY THEM?

As long as a corporate e-mail message is forwarded via e-mail or printed and sent to Corporate Information for recording in Council's Record System, the Mayor and Councillors should regularly delete messages. Saving too many e-mail messages eventually slows the operations of the Council computer network. The Council's electronic mail system is not designed to be a record retention system.

Information Systems routinely delete a build-up of undeleted e-mail messages.

WHAT ARE APPROPRIATE USES OF THE INTERNET BY THE MAYOR AND COUNCILLORS?

Internet access should be used for supporting Council's business.

Some of the uses suited to the internet:

- Accessing up-to-date international, federal, state and local government and community information.
- Accessing documents such as acts, regulations, bills, grant applications.
- Accessing media releases.
- Participation in professional interest Internet conferences and newsgroups.
- Accessing parliamentary broadcasts.

WHAT ARE INAPPROPRIATE USES OF THE INTERNET?

Council's computer network which supports the internet is a public asset. Like any public asset it is to be used for Council business only unless private / full private use is selected and paid for.

The following uses of Council's internet are inappropriate and are prohibited when no private use is selected:

- Accessing, downloading or distributing material that is in breach of the law is pornographic, sexually explicit, racist or an incitement to violence.
- Any form of non-Council related commercial use.
- The purchase or sale of personal items through advertising on the internet.
- To run a private business.
- To mount personal web pages.
- As an e-mail messaging system to correspond with family and friends.
- To introduce computer viruses and the like into the Council network system.
- For illegal or fraudulent activity.
- Downloading copyrighted material or material protected by intellectual property rights.
- Accessing, viewing and downloading non-business related information.
- Downloading software including share-ware or free-ware.
- Making defamatory, derogatory or offensive remarks.
- Publishing untrue, distorted or confidential information.

THE MAYOR AND COUNCILLORS PERSONAL WEB-SITES.

Any elected member of Wyong Shire Council who hosts a personal web-site must ensure that personal opinion is clearly acknowledged as personal and not the opinion of Wyong Shire Council. This acknowledgement should be in the form of a DISCLAIMER which disclaims Wyong Shire Council association with or responsibility for the personal opinion obtained from the site.

Personal opinion includes:

- Press releases of individual Councillors.
- Political party statements.
- Transcripts of opinions expressed by Councillors in the course of debates at Council meetings.
- Transcripts of media interviews.

USES OF THE WYONG SHIRE CORPORATE IDENTITY

Councillors are not permitted to use any part of the Wyong Shire Corporate Identity on Councillor personal web-sites without a specific resolution of Council in each case.

ATTACHMENT 2

WYONG SHIRE COUNCIL

ELECTRONIC MAIL USE AGREEMENT

I, have received and read Council's Electronic Mail Use Protocol and agree to comply with all provisions and terms stated in that document.

I understand and acknowledge that my use of e-mail facilities may be monitored according to the guidelines outlined in the Protocol.

Signed

Date.....

ATTACHMENT 3

WYONG SHIRE COUNCIL

INTERNET USE AGREEMENT

I, have received and read Council's Internet Use Protocol and agree to comply with all provisions and terms stated in that document.

I understand and acknowledge that my use of web facilities may be monitored according to the guidelines outlined in the Protocol.

Signed

Date.....