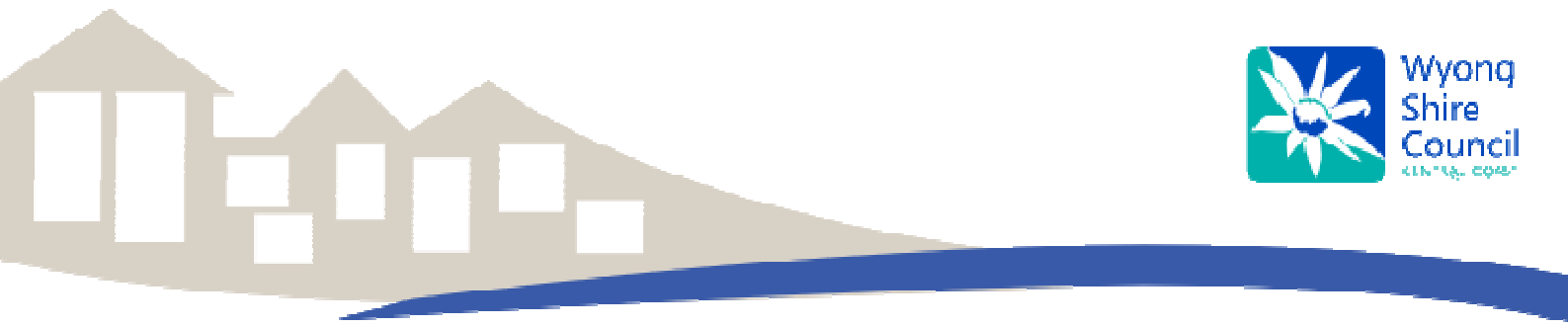


Wyong Shire Council

## **ORDINARY COUNCIL MEETING**

### **ENCLOSURES**

Wednesday, 10 April, 2013



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**WYONG SHIRE COUNCIL**  
ENCLOSURES TO THE  
**ORDINARY COUNCIL MEETING**  
TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 10 APRIL 2013 ,  
COMMENCING AT 5:00 PM

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**4.7 2013 National General Assembly of Local Government**

**Attachment 1:** National General Assembly 2013 - Discussion Paper -  
Final document - ALGA..... 3

**4.8 Facilities and Expenses Policy for Councillors**

**Attachment 1:** Draft Policy for Facilities & Expenses for Councillors -  
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AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION

31 January 2013

Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

To the Mayor, Councillors and CEO

**2013 National General Assembly of Local Government – Call for Motions**

I invite you to participate in the 2013 National General Assembly of Local Government (NGA) which will be held at the National Convention Centre in Canberra between 16 - 19 June.

As the major event on the annual local government events calendar, the NGA typically attracts more than 700 mayors, councillors and senior officers from councils across Australia. The NGA is your opportunity to contribute to the development of national local government policy and receive updates on the top policy issues facing local government nationally.

The Australian Local Government Association (ALGA) Board is calling for motions for the 2013 NGA under this year's theme 'Foundations for the Future - Twenty 13'. This reflects the important opportunities an election year offers.

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

1. Fall under the NGA theme
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

To assist Councils in preparing motions, a Discussion Paper has been prepared and is enclosed with this letter. It is also available on the ALGA website at [www.alga.asn.au](http://www.alga.asn.au).

Motions should be submitted electronically via the online form on the website [www.alga.asn.au](http://www.alga.asn.au) and should be received by ALGA no later than 26 April 2013.

Any administrative inquiries can be directed to Clare Hogan, ALGA's Director of National Events on 02 6122 9400 or [clare.hogan@alga.asn.au](mailto:clare.hogan@alga.asn.au).

I would encourage you to make sure the views of your Council and your community are represented at the 2013 NGA.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Felicity-ann Lewis'.

Mayor Felicity-ann Lewis  
President

### Call for Motions Guidelines and Background Information

The theme for this year's National General Assembly of Local Government (NGA) is *'Foundations for the Future - Twenty 13'*. The NGA theme reflects current issues being debated nationally and priority issues facing local government.

The NGA is your opportunity to contribute to the development of national local government policy and currently the ALGA Board is calling for motions for the 2013 NGA.

To assist Councils in preparing motions, a Discussion Paper has been prepared and is available at [www.alga.asn.au](http://www.alga.asn.au).

To be eligible for inclusion in the NGA Business Papers motions must follow the following principles:

1. Fall under the NGA theme;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

Motions submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

Through the review process, minor edits may be made to motions to ensure they can be included in the Business Papers. These edits will change the motion to call for action, for example to 'call on the Australian Government' to do something, to ensure relevance to local government nationally by removing state specific references, or to ensure the wording is consistent with current conventions such as referring to the Australian Government instead of the Federal Government.

To assist in facilitating efficient and effective debate, motions that cover similar matters will appear grouped together in the Business Papers and the matter will be debated only once with the lead or strategic motion being that which is debated.

Motions that are agreed to at the National General Assembly become Resolutions. These Resolutions are then considered by the ALGA Board when setting national local government policy, when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any Resolution passed at the NGA.

Motions are to be submitted online at [www.alga.asn.au](http://www.alga.asn.au) and should be received by **ALGA no later than 26 April 2013**.

The following information will be required when you submit a motion using the online form.

*Motion*

- Text of the Motion

*National Objective*

- Why is this a national issue and why should this be debated at the NGA?
- Maximum 100 words

*Summary of Key Arguments*

- Background information
- Supporting arguments
- Maximum of 300 words (additional information should be provided as speaking notes to the council representative who will move the motion at the NGA)

*Declaration*

You will need to declare that the motion has been endorsed by your Council.

For further information please contact Clare Hogan, Director National Events, on (02) 6122 9400 or [clare.hogan@alga.asn.au](mailto:clare.hogan@alga.asn.au)



AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION

National General Assembly of Local  
Government

16 - 19 June 2013

Call for Motions

Discussion Paper

### *The Process*

The issues presented in this paper are designed to stimulate ideas that may form the basis of 'motions' to be considered at the National General Assembly (NGA). You are encouraged to read all of the sections of the Discussion Paper, but are not expected to respond to every question contained in them. Your motion/s can address one or all of the issues identified in the discussion paper. All that the Australian Local Government Association (ALGA) asks is that your motion is nationally relevant, directly related to the work of local government nationally and proposes a clear action and outcome.

To be eligible for inclusion in the NGA Business Papers motions must follow the following principles:

1. Fall under the NGA theme;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

Motions submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

If your council would like to put forward a motion(s), you may lodge it electronically at [www.alga.asn.au](http://www.alga.asn.au) using the online form. Motions should be received by ALGA no later than Friday 26 April 2013.

For more information, please contact ALGA's Director National Events, Clare Hogan, on (02) 6122 9400.

### *Overview*

This Discussion Paper aims to assist councils to develop motions for consideration at the upcoming NGA.

NGA motions are an important mechanism to assist councils across Australia to influence the national policy agenda.

Local government plays an important role in Australia's democratic system of government. Its role is to represent its community and have a critical role in planning, coordinating, facilitating and providing services, infrastructure and programs that meet community and regional needs.

While councils can do a lot themselves, many local governments are constrained by lack of resources, expertise and adequate support from other levels of government (and the private sector) to meet all of their community's needs.

It is important to recognise that at the national level, the roles and functions of councils differ across jurisdictions and that local government is established under state laws. All state and territory governments have a variety of programs, grants and arrangements that are relevant to their respective state or territory and that are important to their councils. For this reason it is important that local governments, through their state and territory local government associations, maintain a close working relationship with state governments.

This year, on 14 September, there will be a federal election. The federal election is an important opportunity to seek commitments from all federal political parties about the way in which they will work with and support councils in meeting community needs. ALGA actively advocates on behalf of the sector in the lead up to every election. ALGA does this by engaging directly with all the major political parties, documenting local government initiatives and communicating these to all politicians as well as through events such as the NGA in facilitating conversations between federal politicians and local government representatives and drawing on initiatives contained in the NGA Resolutions.

The NGA provides an opportunity for councils to influence the national policy agenda by:

- a) identifying national priorities that ALGA might be able to pursue at the national level; and
- b) identifying priorities that are shared by all councils regardless of state differences that relate to federal matters.

It is anticipated that motions for the 2013 NGA will propose credible ideas and policy initiatives which will strengthen local government's capacity to respond to the social, economic and environmental changes facing Australia today and into the future.



### *Introduction*

Local government is a richly diverse, highly responsive, accountable and dynamic level of government. There are now 559 councils in Australia. Over recent years the sector has experienced considerable change including structural reforms such as amalgamation of councils.

Some of local government's recent national achievements include:

- developing and advocating a clear set of principles for constitutional reform;
- the conduct of a successful campaign for the renewal of the Roads to Recovery program (R2R) which has been extended to 2019;
- advocacy for a broad review of the Financial Assistance Grants (with a review, albeit limited in scope, is currently underway);
- comprehensive studies into the financial sustainability of councils nationally (2006 PWC Report);
- actively pursuing internal reforms to improve the efficiency and effectiveness of local government with a focus on improved asset management; and
- successful delivery of over 3,500 community infrastructure projects worth more than \$1 billion on time and within budget as part of the Australian Government's response to the Global Financial Crisis (GFC) to create jobs and economic stimulus throughout the nation.

Local government's national significance is underlined by the fact that it employs around 195,000 Australians (just over 10 per cent of the total public sector work force), owns and manages non-financial assets estimated at \$245 billion (2007–08), raises around 3.5 per cent of Australia's total taxation revenue per annum and has an annual expenditure of around \$29 billion (2010–11)—just under 6 per cent of total public sector spending.

Most of local government's expenditure is directed towards the provision of local services, which include: housing and community amenities; transport and communications; recreation and culture; and social security and welfare.

At an aggregate level local government undertakes its work while being 90 per cent self-funded. However, many rural and regional communities have limited financial capacity which means those councils are much more reliant on external funding sources. Higher grant levels are absolutely critical to these councils to equalise services and infrastructure availability across the communities. Considerable local government funds are spent on vital additional work that relates to broad national issues.

As the level of government closest to Australians, local government is aware of and understands the myriad challenges faced by local and regional communities as they live, work and interact in an increasingly complex domestic and global environment. Local and regional communities require support to respond and adapt to factors they cannot control, such as climate change, drought, natural disasters and economic upheavals.

### *Financing Local Government*

In 2006 ALGA commissioned PricewaterhouseCoopers (PWC) to undertake a national study into the Financial Sustainability of Local Government (the report can be found at <http://alga.asn.au/?ID=76&Menu=44,61,75>). This study built upon a number of studies that were conducted or being conducted by state and territory local government associations. The PWC Report was a vital body of research that underpinned a rigorous assessment of the financial sustainability of councils across Australia. The Report found that up to 30 per cent of councils were facing financial sustainability challenges and recommended a twin track approach to addressing some of these problems. It suggested:

- internal reforms by some councils to improve their efficiency and effectiveness; and
- changes to intergovernmental funding for improved financial sustainability to primarily assist those councils with sustainability challenges.

Recommendations from the Report include:

#### Improving efficiency, effectiveness and scale

- To further realise the gains from greater economies of scale and reduce unit costs via approaches such as regional or shared service provision, outsourcing, use of state-wide purchasing agreements etc.

#### Expanding own-source revenue

- To work with state governments to remove or relax legislative impediments and improve the capacity of local government to raise revenue from its own sources.

#### Setting clear and appropriate priorities

- To establish a robust long-term service plan which defines what council will provide and how services will be undertaken.
- To exercise caution prior to stepping in to attempt to resolve regional, state or national issues without a sound funding plan.
- To secure long-term funding (not just capital grants) prior to new services and infrastructure.

#### Deepening asset management and financial capacity

- Work with other spheres of government to facilitate improved asset management and financial skills through government-funding programs (eg the Size, Shape and Sustainability Review in Queensland and the MAV Step Program), to lift the skills in all councils to a reasonable base level.
- Use total asset management plans and systems to better manage asset renewals and replacement, and integrate into broader long-term council objectives.
- Undertake more regular asset condition reporting for key infrastructure.
- Develop nationally consistent local government financial and asset management data. There is a need for a new national program to improve the consistency and quality of council data to enable more robust and accurate analysis and planning and to produce a uniform national approach to measuring viability and financial sustainability. Ideally this would be supported by the Australian Government.

### Suggested reforms to inter-government transfers

PwC sees significant merit in some reforms to intergovernmental transfers, but these need to be targeted to primarily assist the types of councils with sustainability challenges. The specific suggested reforms to intergovernmental transfers are:

- Establish a new Local Community Infrastructure Renewals Fund (LCIRF): this fund would support councils in the more timely funding of renewals work across a range of community infrastructure assets including community centres, aged care facilities, libraries, health clinics, sport and recreation facilities. The fund could be distributed based on relative need and use the R2R or FAGs distribution methods, or perhaps through a new or hybrid approach. The size of LCIRF could be set so as to provide a similar level of renewals support as provided by R2R, which is around \$200-250 million per annum.
- Revise the escalation methodology for FAGs from a mix of population growth and CPI, to a new escalation formula tailored more to local government cost movements (eg a combination of the ABS Wage Cost Index and Construction Cost Index coupled with population growth).
- Make funding for the Roads to Recovery Program permanent: this program has delivered substantial benefits and there would be significant merit in extending its duration and further augmenting funding levels (including escalating the program size by the ABS Construction Cost Index).

State governments to provide funding support to encourage the local council efficiency and asset management reforms: a significant proportion of councils have inadequate in-house skills to improve efficiency and to establish robust asset management and financial plans. There would be significant benefit in state governments providing partial funding to aid the development of tailored state-based reform programs. This program might be along the lines of the support provided by the Queensland Government (\$25 million over five years) in the Size, Shape and Sustainability Program, and the Step Program developed by MAV.

#### **QUESTIONS?**

*Are there any specific proposals your council has to follow-up on the recommendations contained in the PWC Report?*

*In particular:*

*Are there things that the Commonwealth could do to assist local government nationally to improve its efficiency, effectiveness and scale?*

*Are there things that the Commonwealth could do to assist local government to expand own-source revenues?*

*Are there things that need to happen to help set clear and appropriate priorities, including long term funding?*

*Are there things that the Commonwealth can do to assist or deepen local government's asset management and capacity for financial management?*

*What further changes are required to Commonwealth local government financial transfers?*

### *Financial Assistance Grants*

On 9 December 2012 the Commonwealth Treasurer provided Terms of Reference to the Commonwealth Grants Commission for a Review on Improving the Impact of the Financial Assistance Grants on Local Government Financial Sustainability. The Terms of Reference require the Commission to provide a report to the Australian Government by 31 December 2013 on the following issues:

- 1 The review is 'to identify tangible measures for improving the impact of the Local Government FAGs on the effectiveness of local governments and their ability to provide services to their residents within the current funding envelope'.
- 2 Specifically we are asked to examine the impacts of FAGs on local governments and its appropriateness by:
  - examining in the intrastate context whether the National Principles that guide the allocation of the general purpose grants remain valid and are conceptually consistent with each other;
  - evaluating the economic and financial benefits of untied vs tied funding for enhancing the effectiveness of local governments and their ability to ensure effective services for their residents;
  - identifying the impact of the Minimum Grant principle on the intrastate distribution of FAGs; and
  - assessing the relative need of local governments in each State and Territory with a particular focus on those that service regional and remote communities.
- 3 In responding we will report our findings relating to each point and, where appropriate, identify changes to the FAGs distribution process which would enhance the effectiveness of local governments and their ability to provide services.

This is an important review, but it needs to be noted that the Terms of Reference do not include an examination of the quantum of the Financial Assistance Grants.

#### **Questions**

*Are there any specific proposals from your council on any of the Terms of Reference for the Review of the Financial Assistance Grants?*

*Are there any proposals from your council regarding the Financial Assistance Grants more broadly?*

### *Expenditure Priorities*

Over the past 30 years the roles and functions of local government have changed significantly.

In 2001 the Commonwealth Grants Commission (CGC), in a *Review of the Operation of the Local government (Financial Assistance) Act 1995*, observed that the composition of services provided by local government has changed markedly over the last 30 to 35 years.<sup>1</sup> The CGC noted there had been substantial changes including:

- a move away from property-based services to human services;
- a decline in the relative importance of road expenditure (although it remains the largest function, its level of importance has declined from about half of total expenditure in the 1960s to a little more than a quarter in the 1990s);
- an increase in the relative importance of Recreation and Culture, and Housing and Community Amenities (these are now large areas of local government expenditure, each approaching 20 per cent of total); and
- an expansion of Education, Health, Welfare and Public Safety services (this has increased from 4 per cent of total expenditure in 1961–62 to about 12 per cent in 1997–98).

These trends reflect changes in local communities, growing demand and councils' willingness to meet the emerging challenges of their local municipality. The trend was also encouraged by the Commonwealth and State Governments who, over the period, increasingly offered programs to local communities e.g. aged care and children's services, on the condition of matched funds or limited growth funds. As a consequence, by accepting additional responsibilities without significant new funding for these services, councils were required to change existing priorities and shift funding between existing programs. This trend was confirmed by the CGS who concluded in their review that '*... Local government is increasingly providing human services at the expense of tradition property - based services (particularly roads)*'. The trend was also confirmed by the state local government associations who also report that the costs of increased service provision have been met by delaying maintenance and replacement infrastructure activities.

Examination of the most recent ABS data 2010-11 shows that local government spends \$29.323 billion per annum, which is an increase from \$27.891 billion in 2009-10. Expenditure on Transport and Communications (2010-11), mainly roads and transport, is \$6.64 billion or 23 per cent of total local government expenditure. Spending on Recreation and Culture is approximately \$4.359 billion, and spending on Housing and Community Amenities is \$6.451 billion (this includes water and sewerage in a number of states where this is a local government function).

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<sup>1</sup> Commonwealth Grants Commission commentary on Figure 5.2 Composition *Commonwealth Grants Commission – Review of the Operation of the Local government (Financial Assistance) Act 1995, June 2001*.

**GENERAL LOCAL GOVERNMENT EXPENSES BY PURPOSE  
2009-10 and 2010-11**

|  | 2009<br>\$m  | - | 102010-11<br>\$m |
|--|--------------|---|------------------|
| General public services                | 5231         |   | 5611             |
| Public order and safety                | 585          |   | 769              |
| Education                              | 150          |   | 144              |
| Health                                 | 298          |   | 332              |
| Social security and welfare            | 1 573        |   | 1684             |
| Housing and community amenities        | 6812         |   | 6451             |
| Recreation and culture                 | 4071         |   | 4359             |
| Fuel and energy                        | 13           |   | 15               |
| Agriculture, forestry and fishing      | 27           |   | 29               |
| Mining, manufacturing and construction | 301          |   | 356              |
| Transport and communications           | 6129         |   | 6640             |
| Other economic affairs                 | 1230         |   | 1016             |
| Public debt transactions               | 449          |   | 578              |
| Other                                  | 1230         |   | 1336             |
| <b>Total</b>                           | <b>27891</b> |   | <b>29323</b>     |

Source ABS Cat 5512 - Government Finance Statistics, Australia 2009 - 10 and 2010 - 11

**QUESTIONS?**

*Are there any specific proposals your council has to regarding local government's expenditure priorities?*

*Are there proposals which would improve Commonwealth assistance to local government to help ensure traditional infrastructure service, such as roads, are maintained and renewed in a timely manner?*

*Are there proposals which would improve Commonwealth assistance to local government to help support council provided 'human services', such as aged care and children's services?*

*How could cost shifting from the Commonwealth and states be better addressed?*

### *Constitutional Recognition of Local Government*

Since the appointment of a Joint Select Committee on the Constitutional Recognition of Local Government in November 2012, the pace of developments has increased dramatically. ALGA lodged a detailed submission with the committee in December 2012 and a supplementary submission on 31 January 2013 in response to issues raised at a parliamentary committee hearing on 16 January 2013.

The ALGA Board is meeting regularly to determine and drive the agenda. ALGA welcomed the Parliamentary Committee's preliminary report on 24 January 2013 which recommended that the Commonwealth begin all necessary preparatory activities to ensure a successful referendum in 2013. ALGA has indicated strong support for constitutional change as soon as possible to secure continued direct funding. However, we have reiterated our concern about the lack of progress on the preconditions identified for a successful referendum and the short timeframe available for a campaign.

ALGA wants to make sure that the referendum proceeds when the chances for success are at their best, although we stand ready once the government announces a referendum. The Committee's final report is due in March 2013 and the Government has indicated that it will wait until that time before giving its response on the referendum. ALGA is concerned that the delays and moving timeframes have hampered efforts to finalise arrangements for a referendum and ALGA has redoubled its efforts to seek commitments from both the Government and the Opposition to support the referendum.

Constitutional Recognition remains a priority for the ALGA Board. Given the pace of developments and an expected announcement of the Government's intentions in March/April 2012, we are not seeking council motions on constitutional recognition for this year's NGA. A comprehensive update will be given to delegates at the NGA, based on the responses of the Government, the Opposition and State Premiers to the Committee's final report.



**POLICY No: WSC003**

# **POLICY FOR FACILITIES & EXPENSES FOR COUNCILLORS**

© Wyong Shire Council  
Wyong Shire Council  
2 Hely Street Wyong  
PO Box 20 Wyong NSW 2259  
**P** 02 4350 5555 **F** 02 4351 2098  
**E** [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)  
**W** [www.wyong.nsw.gov.au](http://www.wyong.nsw.gov.au)







| <b>AUTHORITY</b>             | <b>NAME &amp; TITLE</b>                         | <b>SIGNATURE</b> | <b>DATE</b> |
|------------------------------|---|------------------|-------------|
| <b>AUTHOR</b>                | Team Leader, Governance and Councillor Services |                  |             |
| <b>MANAGER</b>               | Lesley Crawley, Manager Corporate Governance    |                  |             |
| <b>DIRECTOR</b>              | David Jack, Director Corporate Services         |                  |             |
| <b>GENERAL MANAGER</b>       | Michael Whittaker                               |                  |             |
| <b>MAYOR (IF APPLICABLE)</b> |   |                  |             |

**History of Revisions:**

| <b>Version</b> | <b>Date</b> | <b>TRIM Doc. #</b> |
|----------------|-------------|--------------------|
| 1              | 23/11/2011  | D02903521          |
| 2              | 03/10/2012  | D03143334          |
| 3              | 10/04/2013  |                    |

**A. POLICY SUMMARY**

- A1 This Policy provides for the payment or reimbursement of expenses and the provision of facilities by WSC to the Mayor and Councillors of Wyong Shire.

**B. POLICY BACKGROUND**

- B1 Section 252 of the Local Government Act 1993 requires the Council to adopt a Policy concerning the payment of expenses incurred or to be incurred by the provision of facilities to elected members in relation to discharging the functions of Civic Office.
- B2 WSC recognises that elected members and senior management staff often expend considerable personal time and inconvenience in conducting WSC business away from the Shire in the best interests of the community.
- B3 The Act's conditions recognise that some personal, additional contribution goes with the position, however where such good-will is provided by individuals materially in excess of reasonable contributions, the transparent reimbursement of expenses is appropriate.
- B4 The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.
- B5 Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act (s349 the Act).
- B6 The WSC Code of Conduct provides that WSC resources must be used ethically, effectively, efficiently and carefully. WSC property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that WSC resources are being used inappropriately.
- B7 Section 382 of the Act requires that WSC makes arrangements for adequate insurance against public and professional liability.

**C. DEFINITIONS**

- C1 **The Act** means the Local Government Act 1993
- C2 **The Regulation** means the Local Government (General) Regulation 2005.
- C3 **Council** means the elected members who form the governing body (Council) of the Wyong Shire Council.
- C4 **Wyong Shire Council (WSC)** means the organisation established to administer Council affairs and operations and Council policy and strategies.
- C5 **Councillor** means an elected member of the governing body (Council) including the Mayor.
- C6 **Council Policy** means policy created and approved by the elected members of the WSC.

- C7 **Functions of civic office/civic functions** means functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for WSC that should result in a direct benefit for WSC and/or for the Wyong Shire community.
- C8 **Council Business** means WSC and Committee meetings, community meetings within the Shire, attendance at officially sanctioned conferences, functions, seminars and training courses and shall include the attendance at functions/meetings by Councillors on behalf of the Mayor.
- C9 **Expenses** mean payments made by WSC to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Reasonable private use is allowable. Expenses must be outlined in this policy and may be either reimbursed to a Councillor or paid directly by WSC for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.
- C10 **General Expense Allowance** means a sum of money paid by WSC to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe. In accordance with Section 403 of the Regulation this policy does not permit the payment of general expenses.
- C11 **Facilities** means equipment and services that are provided by WSC to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
- C12 **Greater Significance** means meetings with State or Federal Parliamentarians, networking with other Councillors or special interest groups, inspection of a public works or facility, attendance at urgent Council meetings and/or any other incident of WSC business considered urgent or more important.

#### **D. POLICY STATEMENTS**

##### **Jurisdiction**

- D1 This policy covers all elected members of WSC
- D2 This policy does not confer any delegated authority upon any person.

##### **General Provisions**

- D3 No payment or allowance will be made for general expenses.
- D4 Reimbursement will only be paid for expenses incurred by Councillors for the conduct of their civic duties.

##### **Attendance at Conferences, Workshops, Seminars and Training Courses**

- D5 WSC will reimburse expenses for attendance at eligible conferences, seminars, workshops and professional development courses for each elected member including attendance at the annual NSW Local Government Association Conference and National General Assembly.
- D6 WSC will reimburse expenses for six (6) attendances per Councillor, per financial year, at conferences, seminars, workshops and professional development courses which consist of sessions conducted over one or more consecutive days.

- D7 The maximum number of elected members authorised to attend a conference or seminar is three.
- D8 The maximum attendance restriction on numbers will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association or as resolved by Council.
- D9 WSC will meet sustenance and attendance expenses for Councillors' attendance at meals and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business.
- D10 No expenses will be paid for functions that are:
- i not relevant to Council business
  - ii where expenses incurred would be directed towards any political fundraising event
  - iii for any donation to a political party or candidate's electoral fund
  - iv for any other private or personal benefit
- D11 Authorisation for attendance at conferences will be by Council resolution or when in compliance with policy or impractical, then by approval of the Mayor (Deputy Mayor when attendee is Mayor) and/or General Manager.
- D12 WSC will pay costs in accordance with this policy relating to the attendance by authorised delegates at conferences, workshops and seminars for the following:
- 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
  - v Spouse or partner and family accompaniment.
- D13 Where WSC has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by WSC will be charged to the elected member.
- D14 Before registration and payment of fees, elected members must satisfy themselves:
- a that the program is likely of benefit to WSC, the Community and/or to his/her professional development as an elected member
  - b that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy
- D15 Elected members shall 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 WSC and the particular Councillor
  - iii to attend to other matters of greater significance to the WSC

- D16 WSC will pay for the attendance at training courses where the total expense for attendance of each Councillor is less than \$10,000, subject to Council Resolution or compliance with this policy. The monetary limit does not apply to the AICD Company Director's Course and a maximum of three (3) Councillors may attend a course unless resolved by Council.
- D17 Out-of-pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses will be reimbursed.
- D18 WSC will reimburse Councillors the cost of membership to professional organisations associated with the conduct of Council business up to \$1,500 per annum.

**Spouses and Partners**

- D19 WSC will pay the following expenses for spouses/partners or family accompanied by a Councillor at events or functions officially sanctioned by the Council or Mayor and General Manager:
- i attendance/ticket cost if in the company of a Councillor
  - ii accommodation if in the company of a Councillor
  - iii travel if in the company of a Councillor
  - iv meals and refreshments excluding room fridges.
- D20 Partner tours and incidental costs will not be paid by WSC.

**Motor Vehicle Costs**

- D21 WSC will pay for the use of a Councillor private motor vehicle for the conduct of business relating to the Council, including attendance at Council, Council Committee and community meetings, inspections and official functions / meetings either:
- i an annual allowance, paid monthly for use up to 5,000 km per annum, at the Local Government State Award rate for WSC staff for under/over 2.5 ct. A statutory declaration for use is required
  - ii by claim for usage, paid monthly for use at the Local Government State Award rate for WSC staff for under/over 2.5 ct
- D22 Councillors shall comply with WSC's Motor Vehicle Policy.

**Travel**

- D23 WSC will reimburse Councillors for travel undertaken on WSC business.
- D24 WSC will not reimburse travelling expenses where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or the Mayor.
- D25 Overseas travel by a Councillor must be approved by resolution which shall include clear and tangible benefits to the community.
- D26 Approval by the Council for overseas travel will be on an individual trip basis.
- D27 Councillors shall ensure travel by the most direct route and use the most practical and economic means of transport.

- D28 WSC will reimburse costs for tolls associated with travel on WSC business.
- D29 WSC will reimburse parking fees associated with travel on WSC business.
- D30 In accordance with WSC Motor Vehicle policy no reimbursement of traffic or parking fines incurred while travelling on WSC business will be given.

**Travel outside WSC Local Government Area, Interstate and International**

- D31 Air Travel shall be at economy rate unless approved by the General Manager and/or the Mayor.
- D32 WSC will pay for air travel insurance.
- D33 The General Manager and/or the Mayor may determine any corporate membership arrangements (eg Qantas Club).
- D34 WSC will pay for use of a rental car at locations where air travel is undertaken for WSC business.

**Accommodation**

- D35 Councillors shall be accommodated in minimum four-star level facilities and higher if practicality determines the need. A higher level than four star is to be approved by the Mayor and/or General Manager.
- D36 WSC will pay for accommodation costs commencing from the night before the conference or seminar commences, throughout the conference and the night after it concludes and any other night required by travel arrangements.

**Care and other related expenses**

- D37 WSC will reimburse registered carer's expenses necessary to enable elected members, General Manager and Directors to attend WSC business up to \$3,000 per annum, including:
- i child care expenses
  - ii care of disabled and/or sick immediate family members
  - iii special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities

**Insurance**

- D38 WSC will provide 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 as follows:
- i Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their functions)
  - ii Professional indemnity (for matters arising out of Councillors' performance of their civic duties and or exercise of their functions).
  - iii Personal injury while on Council business
  - iv Travel insurance for approved interstate and overseas travel on Council business
  - v Property insurance for WSC facilities issued to Councillors
  - vi Other insurance as required to ensure normal work/family arrangements can continue to be maintained for the Councillors.

All insurances are to be subject to any limitations or conditions set out in the WSC policy for insurance.

### Legal Expenses

D39 WSC will indemnify or reimburse the reasonable legal expenses of a Councillor in the circumstances described below:

- i 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
- ii 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
- iii 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

D40 WSC will also reimburse legal costs for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- Local Government Pecuniary Interest and Disciplinary Tribunal
- Independent Commission Against Corruption
- Office of the NSW Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- NSW Police Force
- Director of Public Prosecutions
- Council's Conduct Review Committee/Reviewer

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

D41 A Councillor/s may be reimbursed up to \$1,500 (including GST) for external legal services only where all of the following circumstances exist:

- (a) the legal advice is not on a matter excluded from being reimbursed by the Local Government Act and/or Regulations, or any other clause in this Policy
- (b) the matter about which advice has been sought is a serious matter affecting the proper administration of WSC
- (c) more than four Councillors have requested that Council staff provide legal advice on the subject matter of the advice, and Council staff have been unable to provide those Councillors with legal advice, due to a conflict of interest or similar prohibition that precludes those staff from providing that advice, or where staff are unwilling to obtain independent legal advice
- (d) the matter had not already been the subject of independent legal advice to Council

- (e) the legal advice is proven to be valuable towards Council's decision making
  - (f) no more than one payment is to be paid to any one or more of the Councillors in respect to advice provided by Councillors on the subject matter
  - (g) the request for reimbursement, under this clause, has been authorised by the Council:
    - the written brief, original written legal advice and tax receipt will need to be provided to Council as its record to allow consideration of payment
- D42 A conduct complaint made against a Councillor, resulting in legal costs for a Councillor shall only qualify for reimbursement where a matter has been referred by the General Manager to a conduct reviewer/committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.
- D43 Pecuniary interest or misbehaviour matters, shall qualify for reimbursement of legal costs if a formal investigation has been commenced by the Division of Local Government.
- D44 WSC will only reimburse legal costs where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.
- D45 WSC will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- D46 WSC will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- D47 WSC will not meet legal costs in the following circumstances:
- An action in defamation taken by a Councillor as plaintiff
  - A Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation

**Mayoral Expenses**

- D48 The Mayor may provide reasonable hospitality to Councillors, senior staff, politicians, dignitaries, community leaders, accompanied by family and the like at WSC's expense to the same level as approved for the GM.
- D49 WSC will provide, maintain and fuel a fuel efficient motor vehicle appropriate to the Office of the Mayor, for use by the Mayor for WSC business.
- D50 Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of \$1,906.64 per annum (2012/13 base year). 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.

**Telecommunications**

- D51 WSC will provide initial installation, rental/lease and maintenance costs for approved equipment.



- D52 WSC will provide communications hardware, to use for WSC business:
- i Laptop or Desktop PC
  - ii Tablet computer
  - iii Printer
  - iv Facsimile
  - v Scanner
  - vi USB or WIFI broadband modem
  - vii Digital camera
  - viii Mobile phone or smart phone
  - ix Mobile phone car kit
- D53 The brand/type of equipment will be to WSC standards purchased in accordance with the provisions of WSC Procurement Policy.
- D54 For each Councillor using WSC equipment, WSC will provide for the combined cost of calls, internet access and message bank service, including reasonable private use, up to \$3,600 per year.
- D55 Councillors may provide some or all private equipment in lieu of WSC equipment and receive reimbursement for capital costs, cost of calls and internet access up to \$7,200 per year. This will cover:
- Laptop or Desktop PC
  - Tablet computer
  - Printer, Facsimile, Scanner, Digital camera
  - USB or WIFI broadband modem
  - Mobile phone or smart phone and car kit
  - Other related expenses.
- Privately provided equipment must be to WSC standards.
- D56 WSC will provide for WSC equipment, a standard operating environment of software to facilitate Council business (for example email, internet, mapping, MS office suite and other WSC corporate appropriate applications as necessary).
- D57 WSC will not provide for subsequent installation costs (eg as a result of moving house or changing vehicles) unless WSC has initiated a change to the equipment or service.
- D58 Elected members using WSC telecommunications equipment or their own private equipment for Council business must comply with WSC's Communications Media Policy (Internet and Email) and Appropriate Use of Email and the Internet Guidelines.
- D59 At the conclusion of a local government term and where a Councillor does not intend to stand for re-election or is not re-elected, a Councillor may purchase WSC supplied equipment and software at an agreed market price. Leased equipment is not available for purchase.

**Postal Expenses**

- D60 WSC will reimburse actual postage expenses for WSC business up to \$500 per annum.

**Stationery**

D61 WSC will provide stationery to be used for WSC business, upon request. Stationery includes:

- i Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum
- ii Business cards 1000 per annum
- iii Letterhead 1000 per annum
- iv Paper and printer cartridges 1 set of colour and black per month
- v Current edition of Bluett's Local Government Handbook, NSW for Councillors (newly elected Councillors only)
- vi One filing cabinet

**Corporate Uniform**

D62 WSC will provide a "premium quality" Corporate Uniform on an annual basis except for the issue in the year in which the local government election is held. Corporate Uniform shall consist of:

- Formal clothing – one set including the costs of alterations
- Climate clothing (shirts and jackets) – one set
- Protective clothing – one set

D63 WSC will provide an additional Corporate Dress allocation to the Mayor to facilitate the duties of the office as follows:

- Three shirts
- One pair of trousers or skirt or dress
- One tie
- Such other clothing as is required to perform the duties of a Councillor

**Civic Centre Parking**

D64 WSC will provide an allocated parking space each Council meeting day.

**Sustenance**

D65 Councillors will be provided with appropriate sustenance on meeting/briefing/function days, including bottled beverages.

**Representation on Joint Regional Planning Panel**

D66 WSC will reimburse Councillors appointed to the Joint Regional Planning Panel a maximum fee per meeting of \$650 as per clause 6 Schedule 4 of the Environment and Planning Act.

**E. POLICY IMPLEMENTATION - PROCEDURES****Approval**

- E1 Approval for the payment of expenses and provision of facilities not specified will be by the General Manager and/or the Mayor.
- E2 Disputes in relation to the payment of expenses and provision of facilities shall be resolved by the General Manager.

**Adoption**

- E3 This Policy will be adopted by Council resolution after public notification in accordance with WSC Policy on the Establishment of Policies.
- E4 This policy will be reviewed and readopted annually in accordance with WSC Policy on the Establishment of Policies.

**Amendment**

- E5 Mandatory amendments to this Policy due to an amendment to the Local Government Act or Regulations will be made administratively and a report detailing the amendment will be submitted to an Ordinary Meeting of Council.
- E6 Optional amendments to this Policy due to an amendment of the Local Government Act or Regulations will be reported to an Ordinary Meeting of Council for determination.
- E7 This Policy will be amended annually in accordance with the CPI. The amendment will be made administratively and will not be reported to Council.

**Reporting**

- E8 In accordance with clause 271 of the Regulation and for the purposes of transparency and accountability, WSC is required to include detailed information in its Annual Report about the payment of expenses and facilities to councillors. This will be reported as a total cost for all Councillors.
- E9 Section 253 of the Act requires Council to submit a copy of this policy annually to the Division of Local Government.
- E10 The Policy must be publically notified in accordance with Section 253 of the Local Government Act

**Reconciliation**

- E11 Claims for reimbursement of expenses will include receipts or via a statutory declaration and be made in the financial year in which the expense has been incurred, unless otherwise specified in this Policy.
- E12 Approval, reconciliation and reimbursement for all expenses and facilities must occur in accordance with WSC procedure.
- E13 The processes for claim and reconciliation may be varied by the Manager Corporate Governance.
- E14 Amounts owing by an elected member relating to fees or expenses for reimbursements and/or accompanying partner's expenses are to be deducted from amounts due to the elected member under this Policy.

**Conferences**

- E15 The Mayor may nominate a replacement if an elected member authorised to attend a conference, seminar, external training session or function outside the area is unable to attend the event due to ill health or family emergency.

- E16 The Mayor and/or the General Manager will determine and subsequently report to Council, attendance at a conference, seminar, external training or functions outside the Central Coast if time does not permit submission to a Council meeting prior to the event.
- E17 Elected members attending conferences must provide a report to the GM detailing the proceedings of the conference. No report is required for the annual conference of the NSW Local Government and Shires Association or conferences approved by Council.
- E18 Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Councillor unless specified by this policy.
- E19 Elected members may request advance expense payments for trips and conferences. The costs are required to be reconciled through receipts and excess advances returned to WSC.

**Motor Vehicles**

- E20 The reimbursement of private motor vehicle expenses above 5,000km per annum will require the submission and reconciliation of a log book.
- E21 WSC will provide a vehicle for use by Councillors in undertaking official duties. Availability of this vehicle will be considered when determining the most direct route and the most practicable and economical mode of transport.

**Legal**

- E22 The payment of legal costs are required to be approved by the General Manager.

**Interview Room**

- E23 Elected members will contact WSC reception to reserve an interview room.

**Communications**

- E24 Each elected member is allowed \$1,500 per year for mobile phone car kit installation.
- E25 Expenses reimbursed for use of private equipment will be added to Councillors' fees on a monthly basis.
- E26 Upon ceasing to hold Civic Office an elected member may purchase WSC equipment at an amount determined by an independent valuation or return the equipment to Council except in the case where equipment is leased.

**E28 Associated documents:**

- WSC Policy on the Establishment of Policies
- WSC Code of Conduct
- NSW Local Government Act 1993
- Environment and Planning Assessment Act 1979