
Rockdale City Council

Expenses & Facilities Policy

for

Mayor and Councillors

(as adopted 15 June 2011)

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PART 1. INTRODUCTION

1. TITLE, COMMENCEMENT OF THE POLICY

This Policy will be referred to as the Expenses and Facilities Policy for the Mayor, and Councillors; long title is Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, and Councillors. This policy takes effect from the date of adoption until further amended.

Amended 2/2/2005
Amended 21/3/2007
Amended 15/6/2011

2. DEFINITIONS

For the purpose of this policy the term “**Councillors**” also refers to the **Mayor** and **Deputy Mayor** unless otherwise stated.

Accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Administrators of Council in circumstances where an Administrator has been appointed this Policy also applies.

Councillor expenses and facilities policies: policies prepared under these guidelines on the payment of expenses and the provision of facilities to Mayors and Councillors.

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

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

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

Legal Expenses means any fee or fees charged for legal representation or legal advice.

The Act: The Local Government Act 1993.

The Regulation: The Local Government (General) Regulation 2005.

3. PURPOSE OF THE POLICY

To ensure that there is accountability and transparency in the reimbursement of actual expenses incurred by Councillors. This policy also ensures that the facilities provided to assist Councillors to carry out their civic functions are reasonable.

To reimburse Councillors for expenses reasonably incurred in the performance of their role as a Councillor, including expenses incurred in becoming adequately informed on subjects relevant to their civic functions.

Further that the details and range of expenses paid and facilities provided to Councillors by the Council are clearly and specifically stated, fully transparent and acceptable to the local community.

4. OBJECTIVES AND COVERAGE OF THE POLICY

The objectives of this policy are:

- To ensure that the Mayor, as the first citizen of the Rockdale City Council area, as the leader of the governing body of the Council and as the principal spokesperson on Council policy and attitude is reimbursed for expenses reasonably incurred in performing the role of Mayor, and is provided with a standard and range of facilities appropriate to the importance of the office.
- To ensure that the Councillors of Rockdale in their dual roles as members of the governing body of the Council and as elected persons are reimbursed for expenses reasonably incurred in the performance of the role and are provided with a standard and range of facilities to assist in discharging the functions of civic office.
- To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their responsibilities as a member of the governing body of the Council or as an elected person.

5. OBLIGATIONS OF COUNCILLORS

A Councillor must:

- Use Council resources effectively and economically in the course of his or her discharging the functions of civic office and must not use them for private purposes unless the use is authorised by this policy and proper payment is made.
- Not convert to his or her use any property of Council.
- Carry out the functions of civic office by attending a variety of functions in their capacity as a representative of Council.

6. REPORTING REQUIREMENTS

Section 428 of the Act and clause 217 of the Regulation require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy. These are detailed in section 20 of this Policy.

The General Manager must include in Council's annual report such information on expenses as required by the Regulation but also itemised by individual Councillor and Mayor.

7. LEGISLATIVE PROVISIONS

This policy is made under the Act including Sections 252 to 254A, together with clause 403 of the Regulation. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor and other Councillors.

Note:

This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248-251 of the Act. These fees are separately determined each year based on the determination of the Local Government Remuneration Tribunal.

8. OTHER GOVERNMENT POLICY PROVISIONS

In addition to the Act and Regulation a number of documents have also been considered during the development of this Policy including:

- Division of Local Government (Department of Premier and Cabinet) Guidelines for payment of expenses and provision of facilities
- Model Code of Conduct
- Division of Local Government Circulars to Councils
- ICAC publications

Further details in relation to these documents are contained in section 23 of this Policy.

9. APPROVAL ARRANGEMENTS

Attendance at seminars, conferences, training, education and including other activities where they attend to Council business and the like is to be, where possible, approved by a full meeting of the Council. If this is not impracticable then the approval is to be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of a Council meeting it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

All other matters not specifically covered by this policy in relation to civic office expenses or facilities are to be dealt with by the Mayor and General Manager.

Total costs for the payment of expenses and the provision of facilities to the Mayor and Councillors are to be within the limits of the provision of this Policy and Council's annual budget, with expenditure against budget allocation to be reviewed quarterly in accordance with Council's normal quarterly budget review process.

PART 2. PAYMENT OF EXPENSES

10. GENERAL PROVISIONS

10.1 Payment of Expenses Generally

Where there is a right under this Policy to claim reimbursement of costs and expenses, reimbursement will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms, attached to this policy.

Unless extraordinary circumstances are determined by the Mayor and General Manager Councillors must seek reimbursement of expenses within one (1) month of incurring that expense.

All/any payments in advance in anticipation of expenses to be incurred in attending conferences, seminars, training and approved functions/events away from the City are to be reconciled within one (1) month of the conclusion of the conference, seminar, training, and approved event/function.

Where a service is partly used for official Council business, Councillors must claim only that part directly related to their civic duties as a Councillor. Individual Councillors must therefore make a reasonable estimate as to their private and civic duties usage (in percentage terms) for such accounts. In accordance with the DLG Guidelines incidental private use is allowed. Council allows 5% for private use for mobile phones, landlines, internet, stationery and minor equipment. Any private usage above the 5% threshold must be paid for by the Councillor.¹

Council will not pay a general expense allowance. Only those expenses included in this policy are to be paid or reimbursed

Decisions on approval or refusal of claims for expenses for Councillors will be made by the Manager, Governance and Business Services.

General Expenses^{2 3}

Notwithstanding any other specific references in this Policy to individual values for expenses the total expenses that are claimable by Councillors will be as follows:

| <u>Total Reimbursement for General Expenses each 12 month period from September to September</u> | |
|---|------------------------|
| <u>Position</u> | <u>Amount</u> |
| <u>Mayor</u> | <u>\$15,000</u> |
| <u>Deputy Mayor</u> | <u>\$12,000</u> |
| <u>Councillor</u> | <u>\$11,000</u> |

*** Council is required to review its Expenses and Facilities Policy on an annual basis.**

¹ DLG Circular No. 07-22 (Guidelines for Payment of Expenses May 2007) Guidelines Private Benefit Page 9-10

² DLG Circular No. 07-22 (Guidelines for Payment of Expenses May 2007) Limits Page 7 Reasonable Expenses Page 7 Monetary Limits to Expenses Page 9

³ DLG Circular 02/34 Unauthorised Use of Council Resources

10.2 Process for Disputes⁴

When a Councillor's Expenses Claim is refused for not being in accordance with this Policy:

- The Councillor is advised by the Manager, Governance and Business Services via email.
- Councillor states his/her case to the Director, Corporate and Community Services in writing if he/she disputes the determination.
- Director, Corporate and Community Services to advise the Councillor of his/her decision in writing.
- The Councillor then has the right to have the matter determined by Council.
- Councillor submits his/her claim in writing for Council's determination.
- The matter is determined by Council; Council's Resolution is adhered to.

10.3 Annual Fees

Annual fees are payable to the Mayor and Councillors in accordance with the determination of the Local Government Remuneration Tribunal. Council's policy is that the Annual Fee payable to the Mayor and Councillors will be the maximum level as annually determined by the Local Government Remuneration Tribunal.

10.4 Spouse, Partner and Accompanying Persons Expenses

Council will meet the reasonable costs of spouses, partners and accompanying persons when they accompany the Mayor or Councillors in the following circumstances:

- Attendance at formal and ceremonial events/functions in the City of Rockdale. This includes but not limited to Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions and charitable functions for charities formally supported by the Council.
- Attendance at the Local Government and Shires Associations' Annual Conference with costs limited to conference registration and official conference dinner.
- Attendance by the Mayor or a Councillor representing the Mayor at an official Council function or official ceremonial duty outside the city but within the state. Interstate and overseas events are expressly excluded.

The above reasonable costs are limited to the ticket, meal and/or direct costs of attending the function and specifically exclude grooming, special clothing and transport costs. Furthermore the policy does not include attendance at seminars, conferences and the like.

Note: An accompanying person in this policy is defined as a person who has a close personal relationship with the Councillor and/or provides care support to the Councillor.

⁴ DLG Circular 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Page 6.

11. SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

11.1 Attendance at seminars, conferences, training, education and including Council business.

Councillors, with the approval of Council or with the written approval of the Mayor and the General Manager are able to attend conferences, seminars, education and training courses etc subject to the following:

- The conference, seminar etc relates to Local Government, its responsibilities and the functions of civic office;
- It is held within Australia; and
- All relevant costs are within the available budget.

Councillors attending conferences, seminars, courses etc will have the following expenses paid, where applicable, provided Council has resolved that the Councillor attend the conference seminar etc or written approval has been provided by the Mayor and the General Manager:

- Registration fees, official luncheons, dinners and tours relevant to the conference, seminar, courses, etc and meetings.
- Accommodation in the hotel where the conference is being held, or the nearest hotel of a similar standard, or as authorised by the host organiser where the conference is not located within Sydney metropolitan area. The period of accommodation is to include the night before the conference, seminar etc and the night of the last day of the conference, seminar.
- Reasonable costs (including sustenance, telephone, fax and Internet charges, laundry and dry cleaning charges, newspapers, taxi fares and parking fees).
- Accommodation for Council business not covered within this policy will be determined by the Mayor and General Manager.

Council will make all necessary arrangements for Councillors attending conferences, seminars, courses etc. The procedures will be as follows:

- Council will, where possible, book accommodation in advance and pay expenses directly to the hotel/host organisation.
- Councillors finding they need to pay unexpected expenses will submit a claim for reimbursement to the General Manager, as provided in Clause 10.1 of this policy.
- Once all expenses have been finalised, accounts will be forwarded to Councillors for any expenses payable to them, in accordance with Council's normal terms ie. 30 days. Any arrangements to finalise an account by periodic payment must be approved by the Mayor and the General Manager.

All Councillors will, as soon as possible or otherwise within one month after attending a conference/seminar (excluding the Local Government Annual Conference and Education and Training Courses), provide the Council with a written report on the aspects of the conference/seminar relevant to the Council business. Alternatively copies of papers presented, decisions taken etc in either an electronic or paper form are to be provided to the General Manager who will advise Councillors of their existence and provide copies to interested Councillors.

Councillors attending approved education and training courses that are directly associated with their civic duties, must provide a written request to the General Manager stating what the course covers and what the benefits are to both Council and the community. Each Councillors will be eligible to attend Council approved education and training courses up to an individual value of \$5000 per annum.

11.2 Attendance at dinners and other non-Council functions representing Council

Council will meet the cost of Councillors attendance at dinners and other functions where the Councillor is representing Council or the Mayor as well as non-Council functions that provide briefings to Councillors from key members of the community, politicians and business.

Approval to meet the cost of attending will only be given when the function is relevant to the Council's interest. Reimbursement will be up to a maximum of \$150 per function per person.

Approval will not be provided for a Councillor to attend any political fundraising event, for any donation to a political party or candidate's electoral fund or for some other private benefit. Enquires should be made whether any expenses to be incurred would be directed towards such events and activities prior to approval being granted.

11.3 Local travel arrangements and expenses

11.3.1 Private Motor Vehicle Use

Councillors may claim the per kilometre allowance proscribed under Clause 10 of the Local Government (State) Award. The claim is to be submitted no later than 1 month after the costs were incurred and the claim include full details of the nature of the Council business, the date and time and the amount claimed. Councillors are responsible for any fines for parking and traffic infringements.

11.3.2 Bicycle

Councillors may claim incidentals costs for the use of a bicycle to attend Council related business.

11.3.3 Cabcharge

Cabcharge will be provided and is available to an annual value of \$1000, in the following circumstances:-

- Attendance by Councillors at meetings of community groups whose activities encompass all or part of the city and where the venue of such meeting may be either inside or outside the city.
- Attendance at social functions or meetings as a representative of the Mayor or Council when requested to do so by the Mayor.
- Attendance at social functions or meetings where the invitation or opportunity to attend the functions or meetings would not, in the normal course of events have been extended to the Councillor(s) concerned had it not been for their position as a Councillor within Council.

- Inspection of works or properties in the city as a result of a request from the resident.
- Travel as a result of Councillors attendance at a Council, Committee, Reference Group, Task Group, External Committee or Working Party meeting or where 3 or more Councillors are meeting on Council business.
- Attendance at approved Conferences, Seminars, Training Sessions and Courses. Cabcharge can be used in relation to the above events/activities for travel between:
 - place of residence and airport, airport and approved accommodation;
 - approved accommodation and site of conference or official visit;
 - within approved locations outside of the City of Rockdale.

Note:

Councillors are required to submit Cabcharge dockets containing a note as to the Council business/function attended that was covered by the journey and the pick up point and destination for reconciliation with the monthly account from the service supplier.

11.3.4 Parking Fees and Tolls

Councillors will be reimbursed reasonable parking fees and road tolls incurred while on business expressly authorised by this policy. Fees payable will be up to \$75 per event.

11.4 Travel outside the LGA including Interstate travel

11.4.1 Travel within Australia

Councillors who travel within Australia as approved under this policy have the following entitlements in relation to transportation:

- An economy class air ticket (or business class if medical reasons prevail). Any travel by train will be by First Class, including sleeping berths where necessary. With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements will be with the approval of the Mayor and the General Manager.
- Use of a personal vehicle (provided the vehicle has current and unlimited third party risk insurance covering damage by the vehicle to property). Councillors may claim the per kilometre allowance prescribed under Clause 10 of the Local Government (State) Award for the shortest practical route. The claim is to be submitted no later than 1 month after the costs were incurred and the claim include full details of the nature of the Council business, the date and time and the amount claimed.
- Travel using a Council owned vehicle – A Councillor may use a Council-owned vehicle (if one is available) to facilitate the Councillors travelling requirements under this Policy by the shortest practical route and meeting the following;
 - Provide a copy of a current and valid drivers licence to the Manager, Governance and Business Services indicating that they are licenced to drive a Council vehicle.
 - May claim actual costs, if a fuel card does not meet the full costs involved, and a claim is submitted to the General Manager within one month of costs being incurred in the terms referred to in this policy.

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- Use of Hire car – A Councillor may use a hire car to facilitate travel requirements provided approval by the General Manager has been given prior to the use of the vehicle.

11.4.2 Overseas Travel

Council will pay reasonable expenses incurred by a Councillor travelling overseas on Council business only if Council resolves that such travel be undertaken. Proposals for overseas travel are to indicate:

- who is to take part in the travel;
- objectives for undertaking the trip, including an explanation of the benefits that will accrue to the community from taking the trip;
- duration of the trip and general details of travel arrangements;
- approximate costs of the trip, including accommodation and daily allowances payable.

Council's policy is as follows:

- accommodation expenses incurred for conference, seminars and/or other travel/delegation etc. will be paid for by Council, including for the night prior to such conference or delegation, depending upon travel schedules, as expressly authorised by Council prior to such travel being incurred. In accordance with the Australian Fringe Benefits Tax Guidelines, these accommodation expenses need to be substantiated in writing and a travel record kept where the travel involves more than 6 nights away from the Councillor's ordinary place of residence;
- all travel vouchers and/or tickets will be returned to Council at the completion of each journey;
- a daily meal and an incidental expenses allowance will be paid to each authorised attendee of Council to conferences and/or delegations in accordance with Australian Fringe Benefits Taxation Guidelines, to cover the cost of meals and out-of-pocket expenses not directly concerned through the place of accommodation for the authorised Council attendee at any conference and/or delegation provided that such expenses are subject to the period of stay not exceeding the period for the conference or authorised business plus one day each way for travelling;
- airfares will be at economy class standard, or business class if medical reasons prevail.

After returning from overseas Councillors or an accompanying member of staff are to provide a detailed written report within one month to Council on the aspects of the trip relevant to Council business and/or the local community.

If the travel is sponsored by private enterprise, ICAC guidelines and reporting structures will be followed.

Note: Administrative arrangements may be made for Council to initially fund travel and accommodation costs of Councillors associated with the Sister City Program, with such costs being fully reimbursed by Councillors from their monthly fee payments over a maximum 12 month period.

11.5 Carers Expenses (Childcare, the care of the elderly, disabled and/or sick immediate family member)

Councillors will be reimbursed for reasonable expenses incurred for carer's expenses due to the need to attend Council Meetings, Committee Meetings or other official Council business providing the Councillor is the Primary Care Giver of a Legal Guardian. Councillors are to provide evidence of attendance at such events.

Councillors will be reimbursed for expenses paid to providers other than immediate family members, spouse or partner up to one (1) hour before and up to one (1) hour after the civic duties mentioned above, to a maximum of \$100 per day, per person requiring care.

11.6 Disability and Access Needs

Council will give consideration to the payment of reasonable expenses associated with the special requirements of Councillors with respect to disability and access needs to allow them to perform their normal civic duties.

11.7 Insurance and Legal Assistance

11.7.1 Insurance

Councillors are covered under the following insurance policies on a 24 hour basis while discharging the duties of civic functions, including attendance at meetings of external bodies as Council's representative:

- **Personal Injury** Whilst ever on Council business, worldwide, bodily injury caused by accidental, violent, external and visible means is covered up to a sub-limit for death and capital limits of \$200,000. It also covers permanent disablement, temporary total disability and temporary partial disability. Current policy does provide cover for "non-Medicare -medical expenses" ie the Medicare gap.
- **Professional Indemnity** For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under Section 731 of the Local Government Act. **BUT** subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.
- **Public Liability** For matter arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carried out in good faith **BUT** subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

11.7.2 Legal Assistance

- 11.7.2.1 The Council may indemnify or reimburse, a Councillor's reasonable legal costs including defending legal proceedings being taken against a Councillor arising from the discharging in good faith the Councillors functions of civic office under the Local Government Act (section 731 refers) or defending where such proceedings are an action in defamation, provided that the outcome of the legal proceedings is not substantially unfavourable to the Councillor.

Provided that:

- the amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the average hourly rate then being charged by partners at the firm(s) then appointed by Council as it's solicitors will be paid, and any portion of the expenses exceeding that hourly rate will not be reimbursed; and
- the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis as a result of the proceedings which caused the legal expenses to be incurred; and
- the legal expenses were incurred:
 1. as a result of an inquiry, investigation or hearing, into a Councillor's conduct by an appropriate investigative or review body including but not limited to:
 - Local Government Pecuniary Interest and Disciplinary Tribunal
 - Independent Commission Against Corruption
 - Office of the Ombudsman
 - Division of Local Government, Department of Premier and Cabinet
 - NSW Police Force
 - Director of Public Prosecutions
 - Councils Conduct Review Committee/ Reviewer
 - A Court
 2. as a result of legal proceedings taken against the Councillor in relation to his or her discharging in good faith the functions of civic office; or
 3. as a result of an appeal commenced by the Councillor against the outcome of any originating inquiry, investigation, hearing or proceeding relating to the discharge of the functions of civic office but only if the appeal is successful;
- the expenses can only be reimbursed after the conclusion of the inquiry, investigation, hearing or proceeding.

Note: This may include circumstances in which a matter does not proceed to a finding. Also in addition to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

11.7.2.2 Council will not meet:

- the legal costs of legal proceedings initiated by the Mayor and/or Councillors under any circumstance,⁵

⁵ DLG Circular No. 07-22 (Guidelines for Payment of Expenses May 2007) Legal Assistance Provisions and Expenses
Page 18

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- expenses incurred in any defamation proceedings instituted by the Councillor, even if they relate to activities undertaken by the Councillor in relation to discharging the function of civic office;
 - expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain;
 - any expenses incurred by a Councillor in discharging the functions of civic office not in good faith.

11.7.2.3 It should be noted that the legal expenses must be incurred in relation to discharging the functions of civic office and not all activities by a Councillor undertaken as a Councillor as such.

11.7.2.4 Notwithstanding the above, the General Manager is delegated to obtain legal advice relating to this Policy and any associated matters concerning to a pecuniary interest, conflict of interest or matter governed by the Code of Conduct which in the opinion of the General Manager is necessary to clarify the particular Councillor's responsibilities in the performance of his/her functions of civic office.

11.7.2.5 Any resolution by Council to provide indemnity and reimbursement needs to be subject to the provisions of this Policy and specifically clause 11.7.2.1.

11.7.2.6 A Councillor seeking reimbursement of any legal costs must following the claims process outlined in Appendix C to this Policy.

PART 3 PROVISION OF FACILITIES

12. PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS

Equipment, facilities and services provided under this policy shall not be used to produce election material or for political purposes.

12.1 Telephone costs and expenses – Mobile Telephones

Councillors will be provided with two options.

- Councillors can use their private mobile phone service and related equipment for Council related calls and claim reimbursement up to a monthly maximum \$150 from Council. Councillors using their private mobile phone are required to present copies of monthly account and indicate the costs attributable to Council business.
- Councillors can use a Council provided mobile phone service (under a capped agreement) and equipment. Costs in excess of the maximum monthly allowance of \$150 will be repaid by the Councillor.

All mobile phone numbers the subject of the monthly allowance will be automatically published as a contact number of the relevant Councillor.

Councillors must abide by all Federal, State and Local laws and regulations when using a Council mobile phone including those that apply to the use of mobile phones while in motor vehicles.

12.2 Facsimile Machine

Councillors can be provided with a fax machine. Council will meet the cost of providing this equipment, installation costs of an additional line and maintenance insurance. Associated rental / call charges will be paid by Council. Consumables for use in relation to Council business will be supplied by Council.

Phone numbers associated with this service will be automatically published as a contact number of the relevant Councillor.

12.3 Internet Access

Councillors will be provided with access to the Internet via wireless services with the necessary Anti-Virus and Internet Security Packages. An external email address will be available on request. Council will meet the cost of installation and monthly fees. A flexible approach towards reviewing innovations in the future to obtain the benefits from such technological advances that improve service and reliability is part of this policy.

12.4 Personal Equipment

Councillors will be able to select from within the following list the appropriate type of equipment/support required to perform their duties:

- **1 Integrated fax/printer/copying facilities** - May request a multifunctional model.
- **1 Laser Printer** - Provided on request with a separate unit designed to deliver quality printing at high volumes.
- **1 Stand-alone Scanner** - Provided on request with a separate unit on request.
- **1 Laptop or standard Personal Computer and ancillary equipment** - Provision and maintenance of a laptop or personal computer and ancillary equipment including CD-RW/DVD ROM drive.
- **Shredder** - Provided with a paper shredder on request.
- **Filing Cabinet** - Be provided on request with a filing cabinet.
- **Computer software training** - Be provided with computer training where necessary to undertake the functions of civic office. Council will meet training course fees and software.

All equipment will be provided with the latest system configuration requirements and be subject to regular reviews to keep pace with future technological advancements and the latest operating software.

No unauthorised or unlicensed software is to be installed on the computer provided by Council and Councillors are required to comply with Councillor Use of Email and the Internet at all times, when using Council's computers. Councillors will be required to sign Councillor's Software/Internet Compliance Statement (Appendix D) indicating that they have read the contents and agree to comply with the policies.

12.5 Public Facilities

Councillors will be provided with the following facilities, which remain the property of Council and must be returned to Council when Councillors cease to hold office:-

- A security card and automatic gate "buzzer" to enable access from outside of the building to the Councillors' Room, in the case of the Mayor, access to the Mayor's office, in the case the Deputy Mayor access to Deputy Mayor's Office.
- Above Rooms suitably furnished and equipped with telephone, computer facilities and photocopier to enable meetings with constituents.
- A bar fridge within the Councillors' Room, which will be maintained and stocked by Council, for Councillors' official use.
- A driver and vehicle on those occasions when official/civic/ceremonial duties dictate such a mode of transport.

12.6 Postage Arrangements

Official Councillor correspondence is to be directed through Council's own mail system. Where that is impractical Councillors are entitled to claim a monthly maximum reimbursement equivalent to 50 standard letters.

12.7 Stationery, Office Supplies and Support

Councillors have access to the following support in performance of their role as elected members of Council:

- Standard office supplies (pens, rulers, staples, paper etc).
- 250 Business Cards (replacement on request) up to a maximum of \$150 per annum. To include Councillor's contact details as authorised and a colour photograph. Up to 100 personalised Christmas Cards, if required and corporate presentation gifts (tie, scarf, etc). Additional generic Christmas Cards are to be purchased by the Councillor at the unit cost to Council.
- Personalised Councillor professional letterhead with colour photograph and their contact details will be provided **as well as paper supplies** up to a value of \$250 per annum.
- Councillor letterhead supplied to Councillors and Councillor emails using Council email address will carry the following disclaimer:
"The statements made in this correspondence [email] are the views of the individual Councillor and do not necessarily reflect the views or the position of the Council or Management of Rockdale City Council".
- A suitable name badge.
- Tea, coffee and refreshments when carrying out civic duties in the Council premises during office hours.
- Suitable meal and refreshments at Council/Committee/Task Group/etc meetings. The standard of the meal will be determined by the Mayor in consultation with the General Manager.
- Corporate gifts for use on a Council related business trip or when receiving visitors. These will be of token value and managed in accordance with a policy on Corporate Gifts.
- Dedicated secretarial assistance in typing of Councillor correspondence and all other secretarial needs.
- A briefcase to the value of \$200 will be provided to each Councillor on request.

-
- Professional advice and assistance from Council officers in preparing media material (other than election campaign material) relevant to the function of civic office and in each case subject to the approval of the Mayor and General Manager.
 - A current copy of the relevant Acts, Building Codes and a copy of the Policy Register to be placed in the Councillors Room and provided on request by a Councillor.
 - A photograph of the current Councillors is to be displayed in the public foyer of the Administration Building.
 - A Recognition of Service plaque will be provided to each Councillor when they cease to hold office.

13 PROVISION OF ADDITIONAL EXPENSES AND FACILITIES FOR MAYOR

In addition to the previously detailed support in this Clause the Mayor and Deputy Mayor (when acting in the position of the Mayor) will be provided with:

- Mayoral vehicle of prestige class (Holden Caprice, **Toyota Prius** or similar vehicle) at the discretion of the Mayor of the day, fully maintained and complete with a car kit for a mobile phone and for use by the Mayor at all times;
- The cost of all telephone calls made from the Mayor's mobile telephone;
- An allotted space under the Council Administrative building;
- A petrol card for the Mayoral vehicle;
- Mayoral Chain of Office for official/civic/ceremonial use;
- A Mayoral office, suitably furnished and equipped;
- A liquor cabinet located in the Mayoral office, which will be maintained and stocked by Council for official use by the Mayor, and by the Deputy Mayor when acting in the position of Mayor.
- A suitably qualified and experienced secretary;
- Standard Mayoral letterhead for official correspondence;
- Handling of all Mayoral correspondence written in the course of Mayoral duties, including posting of mail and follow up correspondence.
- Tea, coffee, meals and refreshments when carrying out meetings in the course of official duties in the Council Chambers or Administration Centre.

Furthermore Council will provide a suitable furnished and equipped office for the Deputy Mayor.

14 PRIVATE USE OF EQUIPMENT AND FACILITIES

Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any such loyalty schemes. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

Councillors must report the theft of any equipment issued immediately to the Police and to the General Manager or Director of Corporate and Community.

PART 4. OTHER MATTERS

15 ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS

Councillors will have the option to purchase laptops, mobile phones, telecommunications equipment and the like, allocated to them, but owned by Council, at the cessation of their duties or following upgrading or replacement of equipment. These items are to be purchased at the written down value according to Council's accounting records or payout figure if the equipment is leased.

16 STATUS OF THE POLICY

This Policy, once adopted, is to remain in force until it is reviewed by the Council in accordance with the provisions of Sections 253 and 254 of the Local Government Act 1993.

This Policy will be reviewed on an annual basis in accordance with the provisions of Section 252(1) of the Local Government Act.

Amendments to the Policy will be carried out in accordance with the provisions of Section 253 of the Local Government Act.

17 ALLOWANCE (SALARY) SACRIFICE

"In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."

Councillors should seek their own financial advice on the impact upon their personal financial and taxation benefits before nominating a deduction from their allowance/s into the nominated superannuation fund. These requests are to be directed to the General Manager.

No other allowance (salary) sacrifice benefits are available to Councillors.

18 THE ROLE OF COUNCILLOR

Section 232 of the Local Government Act defines the role of a Councillor. It provides that Councillors have two distinct roles; as a member of the governing body of the Council; and as an elected person. Councils as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the Council. The role as an elected person requires Councillors to represent the interests of the community and provide leadership. Councillor Expenses and Facilities Policies should facilitate and assist Councillors to carry out their role.

Section 232 of the Act (What is the role of a Councillor?) states:

1. The role of a Councillor is, as a member of the governing body of the Council:

-
- to direct and control the affairs of the Council in accordance with this Act;
 - participate in the optimum allocation of the Council's resources for the benefit of the area;
 - to play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions;
 - to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.

2. The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community;
- to facilitate communication between the community and the Council.

19 ACCESS TO POLICY

The Government Information (Public Access) Act 2009 ("GIPA Act") gives a right to all persons to access Council documents as listed in the Act. These documents include annual reports, management plans, and Council policies including this Policy. The GIPA Act provides that the public is able to inspect such documents during office hours at the Council, and at no charge. This Policy is also available online.

20 RELEVANT PROVISIONS UNDER THE ACT AND REGULATION

Reporting

Section 428(2) (f) of the Act requires Council to include in its annual report:

- *The total amount of monies expended during the year on Mayoral fees and Councillors fees,*
- *The Council's policy on the provision of facilities for the use by Councillors and the payment of Councillors' expenses,*
- *Statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition, Section 428(2) (r) of the Act states, "*such other information as the regulations may require*".

Clause 217 of the Regulation requires Council to include in its annual report the following information:

- (a) *details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations).*
- (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillor or reconciled with the Councillor), including separate details on the total cost of each of the following:*

-
- (i) *the provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) *telephone calls made by Councillors, including calls made from mobile telephones provided by the Council and from landline telephones and facsimile services installed in Councillors' homes,*
 - (iii) *the attendance of Councillors at conferences and seminars,*
 - (iv) *the training of Councillors and the provision of skill development for Councillors,*
 - (v) *interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) *overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vii) *the expenses of any spouse, partner or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time.*
 - (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions.*

Disallowance of expenses and facilities

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

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a Council:

- (a) to pay any Councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.*

21 OTHER NSW GOVERNMENT POLICY PROVISIONS

21.1 Division of Local Government Guidelines

Under section 252(5) of the *Local Government Act 1993* the Council expenses policy must comply with guidelines issued under section 23A of the Act.

21.2 Circulars to Councils

The policy must take into account the following Circulars.

- Circular 08/24* *Misuse of Council Resources**
- Circular 08/37 *Council Decision Making prior to Ordinary Elections*

As previously stated, these guidelines replace any previous versions of these Guidelines and Circular 04/60 *Policy on payment of facilities to the Mayor, Deputy Mayor and other Councillors*.

*Note: Circular 08/24 has been updated by Circular 10-24 and has also been taken into account.

21.3 The Model Code of Conduct for Local Councils in NSW (DLG)

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government - June 2008*. The following parts of the Code are particularly relevant to s252 policies:

Code of Conduct provisions relevant to this policy are;

"Use of Council resources"

10.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

10.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

10.16 The interests of a Councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use Council letterhead, Council crests and other information that could give appearance it is official Council material for these purposes.

10.17 You must not convert any property of the Council to your own use unless properly authorised.

10.18 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic threatening abusive or defamatory nature.

21.4 Councillor Induction and Professional Development Guide (DLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the Council. The Division has produced a *Councillor Induction and Professional Development Guide* (September 2008) to assist Councils to develop these programs.

21.5 No Excuse for Misuse, preventing the misuse of Council resources (ICAC)

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of Council resources (Guidelines 2)* November 2002. This publication is available on the ICAC website at www.icac.nsw.gov.au.

Appendix A - CLAIM FOR REIMBURSEMENT OF EXPENSES BY COUNCILLORS

I hereby submit my claim for reimbursement of expenses in accordance with the provisions of the Local Government Act and Council's Councillors' Expenses & Facilities Policy.

Councillor.....

Claim for reimbursement of expenses

| Date | Nature of Business/ Function attended | Representing Mayor/Council | | Nature of Claim | \$ or % For Private Use Above 5% | \$ or % Civic Duties | Amount Claimed |
|------|--|-------------------------------|----|--------------------|--|----------------------------|-------------------|
| | | Yes | No | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Claim for reimbursement of travel expenses

| Date | Nature of Business/ Function attended | Method of travel | Pick-up Point* | Destination* | Distance in kms | Rate/ km | Amount claimed |
|------|--|---------------------|-------------------|--------------|--------------------|-------------|-------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

* Pick-up Point and Designation is required for Cabcharge.

Total amount claimed: \$ _____

Please note:

- The form is to be lodged with Tax Invoices/Receipts attached in order for reimbursement to be processed.
- Claims must be lodged within one month of incurring.

I certify that the above expenses have been reasonably incurred in the performance of my role as a Councillor of Rockdale City Council and are due and payable to me in accordance with Council's Policy.

Signature: Date:/...../.....

Appendix B - AGREEMENT - COUNCILLORS' ACKNOWLEDGEMENT OF EQUIPMENT RECEIVED FROM COUNCIL

This is to certify that

I,..... (full name),

acknowledge the following:

1. That I accept responsibility for the equipment granted to me.
2. That I will at the completion of my term as a Councillor at Rockdale City Council return all of the following equipment issued to me:

- Computer Equipment Make & Serial No's:

- Mobile Phone

- Photocopier/Fax Make & Serial No's:

- Other Equipment Make & Serial No's:

Signature.....

Date.....

Appendix C - PROCESS FOR CLAIMING REIMBURSEMENT OF LEGAL COSTS

1. To whom do you make the application for reimbursement?

The application for reimbursement of legal expenses should be made in writing to the General Manager. The General Manager may ask for additional information and shall put such application before the Council in accordance with the Policy.

2. When can you make an application for reimbursement?

An application for reimbursement of legal expenses can be made having regard to rights and obligations in the Policy.

3. Requirement for previous application to the Attorney-General where acting as a witness before an ICAC hearing

If you have been called as a witness at a hearing (public or private) conducted by the Independent Commission Against Corruption (**ICAC**), you must have:

- 3.1. **Prior to or during your appearance as a witness at the hearing**, applied in writing to the Attorney General for financial assistance with respect to your legal representation, pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*; and
- 3.2. Have been refused such financial assistance in part or full.

Note: Your application to the Attorney-General will need to include the full details of your financial situation and, provided your summons does not prevent you from doing so, the evidence you expect to give.

4. What other eligibility requirements need to be addressed in your application?

The application should address the following criteria where relevant:

- 4.1 specify which investigative body has conducted the relevant interview/s and hearing/s (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.2 specify whether you are currently a Councillor or Mayor, or have been a former Councillor or Mayor (in which case you must have been acting in this office at any time from the March 2004 Local Government Elections onwards);

Note: See the definition of “investigative body” in the Policy.

- 4.3 state whether you are the subject of the investigation/s and/or the hearing/s and, if not, specify who is the subject (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

Note: Where you are uncertain as to whether you are the subject of the investigation/s and/or the hearing/s, or as to whom the subject is, you should state this.

- 4.4 provide details of the request or summons to attend an interview/s or hearing/s by the relevant investigative body (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

-
- 4.5 detail the legal expenses (including hourly rate charged) in part or in full incurred in connection with attending the interview/s or hearing/s (public or private);
 - 4.6 describe the nature of the information the investigative body has, through requesting an interview or your attendance at a hearing, sought from you (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
 - 4.7 describe how the information the investigative body has sought from you directly derives from your discharge of duties or your exercise of civic functions as the Mayor or as a Councillor (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
 - 4.8 state whether you are satisfied you discharged the duties or exercised the functions in question in good faith or with honest intent (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
 - 4.9 show that you have complied with any reasonable and lawful direction of your insurer and/or the General Manager (if there has been any such direction); and
 - 4.10 provide evidence that the investigative body or Court has:
 - 4.10.1 confirmed in writing that it has completed the investigation/s or hearing/s or, where a Report is to be provided pursuant to the relevant legislation, published its Report; and
 - 4.10.2 confirmed in writing that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you.

5. What documents need to be included with your application?

Where appropriate the following information should be provided:

- 5.1 A copy of the document requesting your attendance at an interview/s or hearing/s by the investigative body or Court, for example, a letter or summons (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 5.2 If you have been called as a witness at a hearing (public or private) conducted by ICAC, a copy of your request to the Attorney-General for legal assistance pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*, and a copy of the Attorney General's response;
- 5.3 Copies of any itemised invoices issued to you for legal expenses (fees charged for legal representation or legal advice including the hourly rate charged) in connection with the interview/s or hearing/s and any receipts for payment for such invoices;
- 5.4 Confirmation in writing from the investigative body or Court that it has completed its investigation/s or hearing/s or, where a Report has been prepared, a copy of the Report or the decision of the Court;
- 5.5 Where not included in the Report, or where a Report is not provided, written confirmation that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you;
- 5.6 Any other documents relevant to the eligibility requirements outlined in paragraph 4.

6. What will happen where a suppression order or other order restricting disclosure of information applies?

- 6.1 Where you have been ordered by the investigative body or Court, for example, in your summons, not to disclose information which the Policy requires you to provide (see paragraph 4 and 5 above), you should refrain from including such information in your application.
- 6.2 Once any suppression order or other order has been lifted by the investigative body or Court, you should immediately provide the General Manager with the information previously omitted from your application on this basis.
- 6.3 The General Manager may not be able to consider your application where a suppression order or other order restricting disclosure of information apply until the suppression order or other order is lifted and information previously omitted is available where the information is required to approve the reimbursement.

7. Will Council need to pass a resolution regarding my application?

- 7.1 Yes, in accordance with Clause 11.7.2.5 Legal Assistance of this Policy "A Councillor must seek and obtain approval from Council for indemnity and reimbursement of any legal cost covered by this policy prior to legal expenses being incurred.
- 7.2 Any resolution by Council to provide indemnity and reimbursement needs to be consistent with this Policy and subject to the provisions of clause 11.7.2.1.
- 7.3 Where Council is not satisfied of the above, Council should provide reasons for its determination.

Appendix D - COUNCILLOR'S SOFTWARE/INTERNET COMPLIANCE STATEMENT

I, _____ (full name),

as a Councillor of Rockdale City Council, understand that:

1. Rockdale City Council has licensing arrangements for its computer software with relevant agencies. The Council does not own copy copyright over this software or its related documentation and, unless authorised by the software developer, does not have the right to reproduce it.
2. Councillors may use the software only in accordance with the license agreement and on the Council's local area networks or on Council provided computers.
3. The Council expects any Councillor learning of any misuse of software or related documentation, to notify the Manager Governance and Business Services or the Co-ordinator, Information Technology of such misuse.
4. Any copying of computer software by me, or instructions given by me to make such copies without authorisation from the copyright owner, is in breach of the law and against the policy of Rockdale City Council, and that such action can expose me to action under the Code of Conduct, including criminal prosecution.
5. Under Australian copyright law, unauthorised duplication and distribution of software can expose Council to extensive fines up to \$250,000 and claims for civil damages, and can expose me to fines up to \$50,000 together with possible detention and claims for civil damages.
6. With Council owned and supplied computers, I must only use on those computers copies of software legally acquired by the Council or myself, and I must comply with all known license conditions accompanying any software acquired or used.
7. With regard to the use of Council's internet facilities, I agree to comply with the 'Guidelines for the Use of the Internet and Email' policy and accompanying 'Use of email and the internet by Councillors' procedure. I understand my responsibility when accessing, retrieving and sending information.
8. With regard to remote communication capabilities provided to Councillors to access the Rockdale City Council network from locations outside the normal office environment, I must act responsibly and professionally at all times when using these facilities and I will comply with relevant Council policies - Code of Conduct, Guidelines for the Use of the Internet and Email, and Payment of Expenses and Provision of Facilities for Councillors. I understand that any breach of these policies will expose me to potentially sanctions under the Code of Conduct.

I have read and am aware of the Code of Conduct, Guidelines for the Use of the Internet and Email, and Expenses and Facilities Policy for Mayor and Councillors mentioned above, and agree to comply with these policies.

(Councillor's signature)

(Date)