

Policy Title	Payment of Expenses and Provisions of Facilities to the Mayor, Deputy Mayor and Councillors
Related Documentation	Councils Code of Conduct ICAC Publication - No excuse for Misuse, Preventing the Misuse of Council Resources OLG Guidelines for Payment of Expenses and Provision of Facilities Model Code of Conduct for Local Councils in NSW 2013 OLG Circulars 11/27, 08/03, 08/24, 08/37, 07/22 and 06/57 Councils Internet and Email Usage Authorised Statement Related Policies, Authorised Statements, Procedures or forms to support this policy.
Relevant Legislation/ Corporate Plan	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i>
Responsible Officer	Manager Governance and Risk

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

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#### DATA AND DOCUMENT CONTROL

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## Campbelltown City Council

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## Part 1 - Introduction

### 1. Purpose of the Policy

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors.

The policy comprises four parts being:

- Part 1 - Introduction – defines key terms and describes the legislative and reporting requirements that describe the policy's purpose, objectives and scope
- Part 2 - Payment of Expenses – describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses
- Part 3 - Provision of Facilities – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources
- Part 4 - Other Matters – provides guidance on issues related to Councillor acquisition and return of facilities and dispute resolution.

### 2. Objectives and Coverage of this Policy

The objectives of this policy are to:

- a) Ensure there is consistency in the application of reimbursement of expenses and provisions of facilities to Councillors in an equitable and non-discriminatory manner.
- b) Assist Councillors to represent the interests of residents and ratepayers of Campbelltown and to facilitate communication between the community and the Council.
- c) Provide Councillors with a level of support which will serve to encourage residents to seek election to civic office.

In absence of clear financial limits being set within the Policy, reference should be made to the table at clause 14 for further guidance.

### 3. Making and Adoption of this policy

The *Local Government Act 1993* requires Council to review and submit its policy to the Director General of the Office of Local Government within 28 days of adoption by the Council, even if it proposes to adopt an unchanged policy. Current policies must be submitted by the 30 November each year.

Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.

Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.

At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term not substantial should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5 per cent. It also means minor changes to the standard of the provisions of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

#### 4. Reporting Requirements

Council is required by Section 428 of the *Local Government Act 1993* to include in their annual report:

- A copy of this policy
- The total amount of money expended during the year on providing these facilities and payment of these expenses
- Additional information as required by the *Local Government (General) Regulation 2005*.

#### 5. Legislative Provisions

Under Section 252(5) of the *Local Government Act 1993* this policy must comply with guidelines issued by the Office of Local Government for the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors for Local Councils in NSW.

A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

#### 6. Other NSW Government Policy Provisions

This policy is consistent with the Campbelltown City Council Code of Conduct. The following parts of the Code are particularly relevant to s252 policies:

Use of Council resources:

- You must use Council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except where supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate
- You must be scrupulous in your use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body
- You must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain
- You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility
- You must not convert any property of the Council to your own use unless properly authorised.

#### 7. Approval Arrangements

Various approval arrangements are indicated throughout this policy and vary from Council resolution approval to Mayor (or Deputy Mayor in the case of a claim for the Mayor) and General Manager's approval.

The Manager Governance and Risk will assist Councillors with respect to seeking reimbursement of expenses incurred in their role as a Councillor, coordinating travel and accommodation arrangements, attendance at civic events, training and education, and the provision of facilities under this policy.

All claims for reimbursement must be made within three months of the date of the receipt and on the appropriate Claim for reimbursement of expenses by Mayor, Deputy Mayor and Councillors Form (appendix A).

Any claim will be reconciled with the receipts and authorised as follows:

1. Authorised by the General Manager and Mayor (or Deputy Mayor where claim is made by the Mayor) for spouse and partner expenses, advance payments, travel, accommodation, childcare and carer fees.
2. Authorised by two of the following positions, if the particular expense category does not require General Manager and Mayor (or Deputy Mayor in the case of a claim by the Mayor) approval. The General Manager, Mayor, Director City Governance, Executive Manager Corporate Services and Governance and Manager, Governance and Risk.

## **Part 2 - Payment of Expenses**

### **8. General Provisions**

#### **8.1 General Allowance**

In accordance with the *Local Government Act 1993*, Council will not permit the payment of an allowance to any Councillor that may be considered a general expense or allowance.

#### **8.2 Annual fees**

##### **Mayor**

Council will determine annually the fee to be paid to the Mayor in accordance with Section 249 of the *Local Government Act 1993*. This fee will be in addition to the Councillor's fee. This fee will be paid to the Mayor monthly in arrears as provided by Section 250 of the Act.

In the event that the Mayor stands aside, is incapacitated or voluntarily ceases to perform the functions of the Mayor for any reason, the Council may, by resolution, pay an additional fee to the Deputy Mayor for that period (on a pro rata basis) while he/she carries out the duties and responsibilities on behalf of the Mayor. This fee will be in addition to the Councillor's fee and will be deducted from the Mayoral fee. This fee will be paid to Councillors monthly in arrears as provided by Section 250 of the Act.

##### **Deputy Mayor and Councillors**

Council will determine annually the fee to be paid to the Councillors in accordance with Section 248 of the *Local Government Act 1993*. This fee will be paid to Councillors monthly in arrears as provided by Section 250 of the Act.

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.

### **8.3 Advanced payment of expenses**

This policy allows for any Councillor to request advance payment of anticipated expenses covered by this policy likely to be incurred attending any service or facility.

However Councillors must completely reconcile all actual expenses against the cost of the advance within three months of incurring that expense.

### **8.4 Spouse and Partner expenses**

Where the Councillor is accompanied by his or her spouse/partner, costs incurred for the spouse/partner (including travel, sustenance, registration and partner's program) will be borne by the Councillor. Council will not be responsible for any costs incurred by other members of a Councillor's family.

However where a Councillor is accompanied by his or her spouse/partner to the annual Local Government Association Conference Council will meet the cost of the official dinner for the spouse/partner. Any additional travel and accommodation expenses will be the personal responsibility of the Councillor.

### **Specific expenses for Mayors and Councillors**

#### **8.5 Seminars and Conferences**

Councillor attendance at conferences requiring overnight accommodation or air travel will be determined in open Council. The report to Council must detail the purpose of the trip, expected benefits, duration, itinerary, approximate costs.

The use of a Mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with the principles of openness and transparency.

Where approval at a meeting of Council is not possible, Councillor's attendance will be determined by the Mayor and the General Manager.

A request submitted by the Mayor will be determined by the Deputy Mayor and the General Manager.

Following the event a written report should be provided to Council on the aspects of the conference relevant to Council's business and/or the local community.

Attendance at seminars, training and skills development sessions and the like that do not require overnight travel may be approved by the General Manager.

#### **Who may attend conferences and seminars**

Any interested Councillor may attend conferences, seminars and similar functions nominated by the Council. The Mayor may nominate a substitute attendee in his or her stead for functions within the Council area, or general Sydney metropolitan area, on those occasions where the Mayor is unable to be present.

#### **Conference costs**

The Council will pay all normal registration costs charged by organisers, including the costs of related official luncheons, dinners and tours that are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

## **8.6 Travel arrangements and Expenses**

Councillors using their private vehicles to attend meetings of the Council, Advisory Committees, Working Parties, Council briefings, Community Consultations or the like organised or authorised by the Council will be paid the kilometre rate set by the Local Government (State) Award but subject to any such payment not exceeding the amount noted below for when approval is given for a Councillor to use their private vehicle.

Councillors are to lodge claims for travelling expenses within a period of three months after which the expenses was incurred.

Where Councillors are attending any meeting conference, seminar or function outside the Local Government Area where practical, travel to and from the venue will be in a Council vehicle. Should travel in a Council vehicle be impractical, then the Councillor will make a request to the Mayor or General Manager (or the General Managers nominee) to authorise travel by flights, rail or in special circumstances private vehicle. All travel should be via the most direct route. Council will meet the cost of either the return first class travel by rail or return economy class airfare.

If approval is given for a Councillor to use their private motor vehicle to travel to a meeting, conference, seminar or function outside the Local Government Area a Councillor is able to receive the lesser of the cost of an economy airfare plus transfers to and from airports or the travel allowance based on the kilometre rate set by the Local Government (State) Award.

The Councillor is personally responsible for all traffic or parking infringements incurred while travelling in private or council vehicles on council business.

Councillors may be issued with Cab Charge vouchers for taxi fares that are incurred while attending conferences and other Council related functions. All unused Cab Charges shall be returned to the Executive Manager, Corporate Services and/or Governance and Manager, Governance and Risk within 15 days of the function. The General Manager shall have the right to reject any unauthorised Cab Charges.

### **Interstate Travel**

Council resolution approval is required prior to any interstate travel being undertaken by Councillors (excluding travel to ACT which may be authorised by Mayor and General Manager approval). The report to Council should include all details of the travel, including itinerary, expected costs and expected benefits.

### **Overseas Travel**

Councillors wishing to undertake overseas travel must do so at their own cost.

Where the Mayor has been invited to officially represent Campbelltown overseas, a detailed report outlining the purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of the Council business paper. Council must approve the international travel and payment of expenses relating to such travel.

If the visit is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process.

Retrospective reimbursement of overseas travel expenses is not allowed unless prior authorisation of the travel has been obtained.

After returning from overseas, a detailed report will be provided to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.

A detailed report should be given in the **annual report** for the year in which the visit took place, outlining how the objectives were met and what quantifiable benefits will flow to the community.

### **Loyalty points schemes**

Councillors shall not be entitled to claim frequent flyer points relating to air travel authorised by this Policy. In circumstances where the Councillor has no option but to pay for air travel and frequent flyer points are accrued to his/her personal account, the Councillor will surrender the points to the airline upon reimbursement of the airfare by Council.

### **8.7 Accommodation**

Council will meet the cost of accommodation for Councillors attending to Council business, inspections, meetings, conferences or functions outside the Council area which are authorised by the Council. Where approval at a meeting of Council is not possible, Councillor's attendance will be determined by the Mayor and the General Manager.

When travelling by motor vehicle to conferences or seminars Council will meet the accommodation and meal expenses of the Councillor for a maximum of two nights per trip when journeying to and from the conference or seminar venue. These expenses must be consistent with the Tax Determination 2014-2019 or any determinations or policies of the Australian Tax Office that supersede it.

### **8.8 Sustenance**

Council will meet the cost of reasonable sustenance and incidental expenses for Councillors attending to Council business, inspections, meetings, conferences, seminars or functions which are authorised by the Council, Mayor or General Manager in accordance with Australian Taxation Office's (ATO) Tax Determination 2014-2019.

### **8.9 Stationery and postage**

Stationery, business cards, Christmas cards, diary, filing cabinet and briefcase, together with postage expenses will be determined as outlined in clause 14 of this policy.

### **8.10 Subscriptions**

Subject to the approval of the General Manager annual subscriptions of periodicals up to the value outlined in clause 14 of this policy.

### **8.11 Sydney South West Planning Panel (SSWPP) attendance fee**

Council, in accordance with advice received from the Department of Planning and Environment NSW, determine a fee payable to each elected councillor Sydney South West Planning Panel member for attendance at SSWPP meetings in order to recognise that membership of the planning panel brings additional responsibilities.

### **8.12 Training and Educational expenses**

Councillors will be provided with any necessary training/education in the use of equipment supplied by the Council or in sessions relating to the Councillors civic functions and responsibilities or a recommendation that has been made by an external Agency for specific training to occur for a Councillor(s) by the OLG, the NSW Ombudsman or a Conduct Reviewer, or compulsory training as required by legislation.

Subject to Council resolution or approval under delegated authority by the Mayor or General Manager, Council will meet the full cost of attendance of Councillors at any of these sessions in the same manner as applicable to a Councillor's attendance at Conferences.

### 8.13 Carer and other related expenses

Council will meet reasonable cost of care arrangements including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors to allow them to attend Council, Committee and Sub Committee Meetings, Council briefings and working parties at a maximum rate as negotiated with the General Manager. Carer costs will be paid to cover the period 30 minutes prior to the scheduled commencement time of the meeting and one hour after the conclusion of the meeting. Limits on reimbursement will be determined as outlined in clause 14 of this policy.

Reimbursement of carer expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms within three months of the carer expense being incurred.

### 8.14 Insurance expenses and obligations

Councillors will receive the benefit of insurance cover to the limit in Council's insurance policies for the following:

**Personal injury** – Personal injury or death whilst on Council business covering bodily injury caused by accidental, violent, external and visible means. Personal injury insurance also provides specified benefits for lost income and other expenses arising from permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses.

**Professional indemnity** – Applies in relation to claims arising out of the Councillor's (alleged) negligent 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. This is subject to any limitations or conditions set out in the policy of insurance that is taken out at the direction of Council.

**Public liability** – Applies in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of functions as Councillors. This is subject to any limitations or conditions set out in the policy of insurance that is taken out at the direction of Council.

**Councillors and Officers liability** – Applies to cover expenses incurred by Councillors in respect of claims made against them for any alleged wrongful acts arising out of their official capacities (but excludes cover for statutory penalties).

### 8.15 Legal expenses and obligations

Legal assistance will be provided to Councillors in the event of an inquiry, investigation or hearing, into the conduct of a Councillor by the:

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

Legal assistance will be provided to Councillors in respect to legal proceedings being taken by or against a Councillor in the Local, District or Supreme Courts, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor. This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's function under the *Local Government Act 1993* and the matter before the investigative or review body has proceeded past any initial assessment phase to formal investigation and review.

In the case of a conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by the General Manager to a conduct reviewer to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct. In the case of pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Office of Local Government.

Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

Legal assistance will be provided subject to the following conditions:

- approval of the General Manager is sought and gained prior to legal expenses being incurred
- the outcome of the legal proceedings is favourable to the Councillor or where an investigatory or review body makes a finding that is not substantially unfavourable to the Councillor
- 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
- the Councillor's exercise of his or her function, was in the opinion of Council bona fide and/or proper; and as a Councillor
- the amount of legal expense reimbursement shall be paid at a rate equivalent to the average hourly partner rate charged by Council's Panel Solicitors.

Council will not meet the legal costs of legal proceedings instigated by a councillor under any circumstance, nor will Council meet the legal costs of a councillor seeking advice in respect that possible defamation, or in seeking a non-litigious remedy for possible defamation. Council will not assist in the legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor.

### **Part 3 - Provision of facilities**

#### **9. Mayor**

**Accommodation** – A furnished office suite located on the Third Floor of the Administration Building including a facsimile machine and personal computer in the Mayor's office, fully serviced and maintained by Council. The ownership of this equipment is retained by Council.

**Staff** – A personal secretary on a shared basis with the General Manager.

**Meals** – Meals and beverages in conjunction with Council and Briefings and Inspections.

**Refreshments** – Food and beverages in conjunction with civic functions and hosting meetings involving community groups and representatives. Beverage service in the Councillors' Lounge.

**Insignia of Office** – Mayoral Chain, badge and name plate indicating office held. Mayoral Chain remains the property of the Council.

#### **Technology Solutions**

The Mayor will be provided a technology solutions package as approved by the General Manager comprising:

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- mobile telephone
- personal computer or laptop
- iPad or tablet.
- Multi-function device (combined printer, copier, scanner and facsimile).

The Mayor's technology solutions will be fully serviced and maintained by Council within business hours. Call and data expenses will be determined as outlined in clause 14 of this policy.

The Mayor may elect to purchase their own equipment. Council will reimburse the Mayor if they elect to purchase their own equipment, up to 80 per cent of the value of the standard equipment approved by the General Manager.

**Motor vehicle parking space** – A permanent parking space in the basement of the Administration Building.

**Council vehicle** – A Council vehicle to the value as outlined in clause 14 of this policy and approved by the General Manager together with a fuel card for official and associated use or:

Where the Mayor elects to use a privately owned vehicle, that Council reimburse the cost of the vehicle registration, CTP, comprehensive insurance and general service costs to a maximum of \$3000 per year. Each claim should be supported by the provision of receipts and approved by the General Manager. A fuel card will also be provided for official and associated use. The Mayor accepts all liability associated with insurance claims.

## **10. Deputy Mayor and Councillors**

**Office space** – The provision of a lounge area, and the use of Committee Rooms and ~~three~~ offices on the Third Floor of the Administration Building to be pre-booked and used by Councillors in the conduct of their duties of office.

**Meals** – Meals and beverages in conjunction with Council and Briefings and Inspections.

**Refreshments** – Beverage service in the Councillors' Lounge.

**Insignia of Office** – Badge and name plates provided to Councillors and partner to be worn at civic functions.

**Insignia of Office (Deputy Mayor)** – Medallion, badge and name plate indicating office held. Medallion remains the property of the Council.

### **Technology Solutions**

Councillors will be provided a technology solutions package as approved by the General Manager comprising:

- mobile telephone
- personal computer or laptop
- iPad or tablet
- Multi-function device (combined printer, copier, scanner and facsimile).

Councillor's technology solutions will be fully serviced and maintained by Council within business hours. Call and data expenses will be determined as outlined in clause 14 of this policy.

Councillors may elect to purchase their own equipment. Council will reimburse a Councillor that elects to purchase their own equipment up to 80 per cent of the value of the standard equipment approved by the General Manager.

When conducting business through Council's email account or accessing the internet using Council allocated resources the Councillors will need to comply with Council's Code of Conduct and be aware of the Internet and Email Usage Authorised Statement.

**Office equipment** – The provision of a photocopier, telephone facilities and a personal computer in the work area adjacent to the Councillors' offices, fully serviced and available for the use of all Councillors.

Councillors may also request a four drawer filing cabinet be provided for their homes.

**Council vehicle** – If available, and subject to approval by the Mayor and General Manager, the use of a Council vehicle on authorised Council business.

#### **11. Private use of Equipment and Facilities**

Councillors should not generally obtain private benefit from the provision of equipment and facilities. 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.

In the event that private benefit that is not of an incidental nature does occur, the Mayor (or if the Councillor in question is the Mayor, then the Deputy Mayor) and the General Manager may request the Councillor to reimburse Council for the determined cost of the private benefit.

### **Part 4 - Other Matters**

#### **12. Returning of Facilities and Equipment by Councillors**

The ownership of all equipment and consumables provided to Councillors is retained by Council. On completion of the term of office, or at the cessation of civic duties, Councillors are required to return all equipment and unused consumables issued by the Council within 28 days or seek the approval of the General Manager to acquire the equipment/consumables at the current market value based on the current depreciation rate and depending on the condition of the equipment.

Any call and data allowance provided under this policy is only applicable up until the last month of term of office held by a Councillor.

#### **13. Effectiveness of this Policy**

This policy, once adopted, is to remain in force until 30 November 2020 unless it is reviewed beforehand by the Council in accordance with the provisions of Sections 253 and 254 of the *Local Government Act 1993*. The principles outlined in this policy will be audited on a three yearly basis with this audit frequency being increased to yearly if any unsatisfactory findings are identified in any audit review.

### **Part 5 Limits to specific expenses (all fees GST inclusive)**

#### **14. Limits on Expenditure Table**

The monetary limits prescribed in this policy set out the maximum amount that is payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillors. In the case of special circumstances where it is impractical for the strict terms of this Policy to be applied the General Manager may authorise a one-off variation to the Policy to meet those special circumstances. One of variations to the Policy should then be reported to Council. The provision of equipment will be reviewed by the General Manager to ensure access to current technology.

**Campbelltown City Council**

	<b>Expenses/Facility</b>	<b>Maximum Amount to be claimed</b>	<b>Frequency per Councillor</b>
	Stationery (including Business Cards)	\$600	Per year
	Postage expenses	\$50	Per year
	Christmas Cards (postage paid by Council)	300 units	Per year
	Diary	\$100	Per term
	4 Drawer Filing Cabinet *	\$400	Per term
	Briefcase*	\$200	Per term
	Cab charge expenses	\$500	Per year
	Carers expenses	\$4000	Per year
	2 Subscriptions to resource materials	\$1000	Per year
	PC/Laptop computer with MS Office and Antivirus *	\$1800	Per term
	iPad/tablet*	\$1100	Per term
	Data sim for iPad/tablet	\$30	Per month
	Multi-function device Fax/phone/printer/copier/scanner including consumables*	\$1000	Per term
	Mobile phone *	\$2500	Per term
	Mobile phone call / data costs	\$350	Per month
	Accessories for mobile phone/tablet e.g protective case, keyboard, stylus etc	\$800	Per term
	Internet service - ADSL/ NBN	\$100	Per month
	Seminars/conferences	\$150	Per day
	Sydney South West Planning Panel attendance fee	\$500	Per meeting
	Mayoral Vehicle	\$50 000	Per car
	Mayoral private vehicle reimbursable expense limit	\$3000	Per year

\* supplied by Council

**END OF POLICY STATEMENT**