

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
Meeting Date: 15 June 2021

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**Item: 113**                    **NM1 - Review of Payment of Expenses and Provision of Facilities to Councillors Policy - (138884, 79351)**

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**Submitted by:** Councillor Zamprogno

**NOTICE OF MOTION:**

That:

1. Council concludes a review of its "Payment of Expenses and Provision of Facilities to Councillors" policy so that the revised policy is active in time for the new term of Council in September.
  2. The draft policy to be formulated and presented for exhibition consider the following issues:
    - a) Additional flexibility within the allocated budget for each Councillor to choose the resources that best equip them to discharge Council business, i.e Phones, iPads, laptop, cellular modem, printer etc.
    - b) Updating anachronistic clauses such as those referring to the installation of land lines or fax machines for Councillors (Part 3.2.a.ix and Part 3.2.c.iii)
    - c) Examines what options can be presented in the policy without contravening Section 403 of the Local Government General Regulation 2005 (Payment of expenses and provision of facilities) which states: *"A policy under section 252 of the Act must not include any provision enabling a council: (a) to pay any councillor an allowance in the nature of a general expense allowance."*
    - d) Considers updating section Part 2.2.d (Superannuation) to reflect recent changes to Section 254B of the Local Government Act as they relate to Superannuation for Local Government Councillors, and suggest clauses that become enacted if and when Council decides to make such payments, preferably on an opt-out basis, after 1 July 2022.
    - e) Deletes Part 3.13 (Provision of recordings of Council meetings to Councillors), so long as the retention period for publicly available podcasts of Council meetings is extended to the whole term of Council.
  3. Council report on the feasibility and cost of moving to an on-line system for the lodgment and reconciliation of Councillor expense claims.
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**BACKGROUND**

Council is required to maintain a policy for Payment of Expenses and Provision of Facilities to Councillors under Section 252 of the Local Government Act.

At the start of this term in 2016, Councillors were furnished with:

- A combination laser printer/scanner.
- An iPad (with a sim card and data plan)
- An iPhone (with a sim card for both phone and data)
- A Cellular Modem/wi-fi router, for the provision of home internet
- A Windows laptop + wireless mouse.

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Anecdotally, it became apparent not all these resources were needed or suitable for assisting Councillors in their elected duties. Some returned them shortly after, or have not used them. Further, the current policy contains some anachronistic hangovers.

An updated and more flexible policy may well both save Council money and better target resources in a way that better assists Councillors.

Although Section 1.4.4 of the current policy provides for the review of the current policy, it does not specify a time-frame. The 'clean break' of a new Chamber in September gives us a convenient deadline for completion of a new policy, especially since the provision of devices usually entails lease agreements or purchases that run for the term of Council.

Now is the appropriate time to review this policy, since Section 253 of the Act also requires exhibition of any amended policy.

**NOTE BY MANAGEMENT**

Section 252(1) of the Local Government Act 1993 says:

*(1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*

In 2009 the then Department of Local Government issued Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (the Guidelines). The Guidelines were issued under Section 23A of the Local Government Act 1993.

The Guidelines say the following in relation to Clause 403 of the Regulation:

*In accordance with clause 403 of the Regulation councillor expenses and facilities policies must not include provision for a general expense allowance. A general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.*

Council can, in accordance with the current Policy, make provision for Councillors to be provided by Council with designated equipment (for example a mobile telephone, tablet computer, laptop computer, printer/scanner, and access to a data plan).

It is also possible to have provision in the Policy for Councillors in the alternative to choose designated equipment other than and provided by Council, and to have Council pay the cost of that equipment up to the maximum value of equivalent which could be provided by Council. Such a provision would not be contrary to Clause 403 of the Regulation.

**ATTACHMENTS:**

There are no supporting documents for this report.

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