



Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors

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POL003

Prepared by:

Corporate Governance Unit

DOCUMENT REVIEW AND APPROVAL

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2.	Manager Governance & Customer Service	15 November, 2016	Following exhibition period Clause 8.7 amended to clarify * that \$250 monthly reimbursement for telephone and data costs can include handset and iPad/tablet rental * Council will pay a telephone plan break costs up to a maximum value equivalent to 3 months cost of the plan in question.

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1. PURPOSE

This policy ensures that Councillors receive adequate and reasonable resources to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

2. OBJECTIVES

The objectives of the policy are to ensure that:

- there is accountability and transparency in the reasonable and appropriate reimbursement of expenses incurred or to be incurred by Councillors in the course of the undertaking of their civic responsibilities;
- the facilities provided to assist Councillors to carry out their civic duties are reasonable and are at a standard appropriate to their professional role;
- Councillors have the necessary resources for them to represent the interests of the residents and ratepayers of Sutherland Shire, provide leadership and guidance to the community and to facilitate communication between the community and Council;
- a level of support is provided which will serve to encourage people to seek election to civic office;
- the community is informed with regard to the use of Council funds and assets; and
- Council complies with legislative requirements.

3. RELEVANT LEGISLATION

Councillor Expenses and Facilities Policies are made under the Local Government Act, 1993 (LGA) and in accordance with sections 252, 253 and 254 as well as clause 403 of the Local Government (General) Regulation 2005 ('the Regulation').

Relevant legislation, guidelines and codes include:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- OLG Guidelines for payment of expenses and provision of facilities for Mayors and Councillors in NSW
- Office of Local Government Guidelines for Model Code of Conduct for Local Council's in NSW
- ICAC – No Excuses for Misuse

4. RELATED AND ASSOCIATED COUNCIL POLICY AND PROCEDURES

- Code of Conduct
- Councillors Access to Information and their Interaction with Staff Policy
- Policy for Interstate and Overseas Travel
- Use of Council Resources for Private Purposes Policy
- Legal Assistance to Councillors and Staff Policy

5. DEFINITIONS

- **The Act:** The Local Government Act 1993
- **Expenses:** Payments made by Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses are separate and additional to annual fees.
- **Facilities:** Equipment and services that are provided by Council to Councillors to 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 are required to undertake to fulfill their legislated role and responsibilities for Council that should result in a direct benefit for Council and/or for the Local Government Area.
- **The Regulation:** The Local Government (General) Regulation 2005

6. GENERAL PROVISIONS IN REGARDS TO PAYMENT OF EXPENSES

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. This is required under the Local Government Act and reinforced in the Model Code of Conduct.

6.1 Use of Council Resources

Council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must avoid any action or situation that could create the appearance that Council resources are being used inappropriately.

6.2 Private Benefit

The following support equipment, facilities and services are not provided for private benefit and must not be used to produce election material or for any other political purposes, for example in connection with a Councillor's election or re-election. Where private use occurs this should only be incidental, the costs for which must be reconciled and reimbursed to Council.

6.3 General Expense Allowance

In accordance with clause 403 of The Regulation, there is no provision in this policy 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.

6.4 Advanced Expenses Payment

Advance payment of expenses will be considered in regards to expenses to be incurred relating to conferences, seminars, training, services or facilities covered by the Policy. The amount provided must be approved by the General Manager. Councillors must submit a signed declaration form and supporting documentation reconciling all expense receipts against the cost of the advance within one week of the expense being incurred or in relation to travel, within one week upon the Councillor's return.

6.5 Gifts and Benefits to be of Token Value

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Council's Code of Conduct. This does not include gifts made by Council to other parties, such as Sister Cities, that a Councillor may present on Council's behalf.

6.6 Dispute Resolution

Disputes regarding the under payment or non-payment of an expenses claim, or the provision of facilities must be submitted in writing to the General Manager. The General Manager will investigate the claim or request and inform the Councillor of the decision in writing within seven working days of the claim or request being received by the General Manager.

If a Councillor is not satisfied with the General Manager's decision a report will be provided to an open Council meeting outlining the reasons for the determination. The Council will be requested to make a formal resolution on the matter.

7. SPECIFIC EXPENSES

7.1 Transport

Councillors representing the Council and/or the Mayor (when approved by the Mayor) on authorised business, or at meetings and functions will be reimbursed for the cost of transport. The Councillor will be personally responsible for all traffic or parking fines incurred in such circumstances.

7.2 Travel

Travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

7.2.1 Local Travel

Councillors will be reimbursed travelling expenses for the use of a private motor vehicle on Council business at a rate per kilometre as provided for Local Government Salaried Officers. A taxi service is able to be utilised by Councillors to attend Council business if they are unable/precluded from driving and have no alternative private transport means.

Council business includes approved Council, Committee, Sub-Committee and Working Party meetings, authorised site inspections and other official Council business. Council business does not include caucus or political party meetings or functions.

Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

Consideration of claims in this manner is restricted to travel within the Sutherland Shire Local Government Area.

7.2.2 Regional and Interstate Travel

The authorisation of payment of expenses for regional and interstate travel requires the approval of Council (or as delegated). The use of a mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

The report must provide the following information:

- total costs of the proposed travel;
- nomination of the Councillors participating in the travel;
- the duration, itinerary; and
- purpose of the trip and expected benefits.

A direct and tangible benefit should be established for Council and the local community.

The calculation for reimbursement of regional and interstate travel will be on the basis of mileage (being the most direct route) or airfare, whichever is the lesser amount. Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

Retrospective reimbursement of regional and interstate travel expenses will not be approved unless prior authorisation of the travel has been obtained.

7.2.3 Overseas Travel

The authorisation of payment of expenses for overseas travel requires the approval of Council (or as delegated). The use of a mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

The report must provide the following information:

- total costs of the proposed travel;
- nomination of the Councillors participating in the travel;
- the duration, itinerary; and
- purpose of the trip and expected benefits.

A direct and tangible benefit should be established for Council and the local community.

Retrospective reimbursement of overseas travel expenses will not be approved unless prior authorisation of the travel has been obtained.

If the travel costs are to be sponsored external to Council, the Code of Conduct and ICAC guidelines and reporting structures shall be followed.

7.3 Attendance at Seminars and Conferences

Requests by Councillors to attend industry relevant conferences/seminars must be considered by Council.

The following fees will be paid by Council in regards to conference/seminar attendance by Councillors:

- conference/seminar registration fees - this includes the costs of related official lunches and dinners;
- associated tours - where they are relevant to the business and interests of Council;
- reasonable cost of transportation and accommodation associated with attendance at the conference;
- meals when they are not included in the conference fees.

Council will meet the cost of a maximum of five conference/seminar nights annually per year for Councillors. In addition to this, Council will pay the costs for those Councillors nominated by Council to attend the NSW and Australian Local Government Conferences.

The Mayor is entitled to attend a total of sixteen conference/seminar nights consisting of:

- Local Government NSW (LGNSW) Conference, three nights;
- ALGA Conference, three nights;
- Mayoral Conferences, three nights;
- Other seven nights.

7.4 Training and Development

Council will meet the costs of Councillor attendance to training courses which are deemed appropriate by the General Manager. Requests must be in writing to the General Manager and require details of the course and how it relates to the Councillor's civic functions and responsibilities.

7.5 Incidental Expenses

Reasonable out of pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses may be reimbursed provided that it can be demonstrated that the expenses were incurred. Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

Incidental expenses include refreshments, taxi fares and parking fees and are capped up to a combined maximum of \$100 per day, per Councillor.

7.6 Charity and Not for Profit Events

In keeping with Council's ongoing commitment to local charities the Mayor (or their nominee) and their partner will attend charity or not for profit events on behalf of Council. Council will provide up to a maximum of \$5,000 per annum to cover the cost of attendance.

In addition to this, the Mayor in consultation with the General Manager will purchase a table at local charity events to which Councillors can nominate to attend. (This includes charity events held outside the Shire that benefit local charities). Tables will not be purchased for events that benefit politically based charities.

7.7 Accompanying Person

Where a Councillor's partner or accompanying person is required to escort a Councillor representing Council on Council business authorisation of payment of these expenses requires the approval of Council (or as delegated).

Expenses considered by Council in regards to attendance to the Local Government NSW and Australian Local Government Association Conference will be limited to the cost of registration and official conference dinners.

Expenses considered by Council in regards to the following circumstances will be limited to the cost of the ticket, meal and/or the direct costs of attending the function:

- Where an accompanying person of a Councillor attends an official Council function that is of a formal and ceremonial nature; or
- Where an accompanying person of the Mayor, or a Councillor when they are representing the Mayor, is required to attend an official Council function or official ceremonial duty outside the Council area, but within the State.

7.8 Child Care and Care of Elderly, Disabled and/or Sick Immediate Family Members

Councillors will be reimbursed fees for the supervision of their children or immediate family members who are elderly, disabled and/or sick in order to allow Councillors to attend to their responsibilities and duties as a Councillor.

The rate of reimbursement for care will be to a maximum of \$15 per hour, with a weekly maximum of \$150 per week. Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

7.9 Attendance at Joint Regional Planning Panel Meetings

Councillors appointed as Council representatives on the Joint Regional Planning Panel will be paid a fee of \$600 for attendance at meetings. This fee is inclusive of any incidental costs and the cost of transport/travel.

Councillors will also receive an allowance for attendance at briefings and site inspections of the Joint Regional Planning Panel. This will be at a rate of \$150 per hour, minimum one hour up to a maximum of \$600. The allowance is inclusive of any incidental costs, travel/transport costs and covers briefings and site inspections on multiple applications.

7.10 Insurance Expenses

Councillors will receive the benefit of insurance cover for:

7.10.1 Scheduled Benefits

Scheduled benefits where personal injury occurs whilst on Council business Australia wide and worldwide by agreement in advance with the Insurer on each occasion an overseas trip is undertaken.

'Personal Injury' is defined as 'bodily injury caused by accidental, violent, external and visible means'.

Benefits payable are up to a maximum of five times salary up to a maximum of \$1,000,000 (for death or permanent total disablement). The Policy also provides scheduled benefits for temporary total disablement and temporary partial disablement arising from personal injury as defined. In addition, limited cover is provided for dental and miscellaneous expenses; however Medicare legislation does not permit private insurance for out-of-pocket medical expenses incurred in Australia, other than the restricted cover which an individual may take through a registered health fund. The Policy may, however, be extended to provide cover for medical expenses incurred overseas due to an accident occurring outside of Australia whilst on Council business, subject to agreement of the Insurer prior to a Councillor departing from Australia.

7.10.2 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, BUT subject to any limitations or conditions set out in the policy of insurance which is taken out at the direction of Council.

7.10.3 Public Liability

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, BUT subject to any limitations or conditions set out in the policy of insurance which is taken out at the direction of Council.

7.11 Legal Assistance

Council has a policy relating to the provision of Legal Assistance to Councillors and staff in the event of being required to attend an inquiry, investigation or hearing, or have legal proceedings brought against them arising out of or in connection with their performance in good faith of a function under the Local Government Act.

8. PROVISION OF FACILITIES

8.1 Support to the Mayor and Deputy Mayor

The level of support provided to the Mayor (or Deputy Mayor when acting in the Office of Mayor) is the same as provided to Councillors. However in recognition of the size, in terms of population and area, complexity and the nature of the Sutherland Shire and the responsibilities of this role, the Mayor will be provided with an official vehicle of suitable status.

The value of the choice of vehicle will be restricted to the value of the Luxury Car Tax Threshold as stipulated by the Australian Taxation Office, the purchase of which must be sanctioned by the General Manager. The vehicle will be fully maintained by Council and fuelled in accordance with Council procedures.

The Mayor will not be required to contribute towards the procurement and running costs of the vehicle.

The vehicle will be available for the Mayor to utilise in circumstances when:

- the Mayor is required to undertake official Council business inspections, functions or other gatherings;
- the Mayor represents Council at meetings, functions, conferences or other gatherings within or outside the Sutherland Shire Local Government Area;
- the Mayor attends meetings of organisations and community groups addressing any matter of interest to the Council or the residents of the Sutherland Shire, within or outside the Sutherland Shire Local Government Area;
- for reasons of practicality, security and ease of accessibility and communication the Mayor will keep the vehicle under their custody;
- use of the vehicle for other purposes does not constitute a breach of the Local Government Act, 1993.

The following restrictions will apply to the use of the vehicle:

- the vehicle may not be used by the Mayor for personal, recreation or vacation use; and
- only in exceptional or emergency circumstances, may the Mayor authorise a person, other than a Council employee, to drive the vehicle.

If the Mayor is unable to drive to official or Council related business functions, for any reason, the General Manager may authorise the use of a taxi or another form of transport that the General Manager considers appropriate in the circumstances.

If the Mayor elects not to take up the provision of a mayoral vehicle in accordance with this policy, and wishes to use their own vehicle for official Council business, the Mayor is to be reimbursed in the same manner as all other Councillors as detailed in clause 7.2.1 of this policy.

8.2 Councillors' Suite

A room will be provided in Council's Administration Centre to assist Councillors in dealing with resident and ratepayer matters and Council business generally. The room will be equipped with telephone and photocopier and any other appropriate electronic equipment which may be required.

8.3 Mayors' Suite

In fitting with the Office of the Mayor, the Mayor will be provided a fully equipped suite to assist them in the performance of their functions. This will include the provision of alcohol to the Mayors Suite, spirits to a maximum value of \$50.00 per bottle and wine to a maximum value of \$30.00 per bottle.

8.4 Administrative Assistance

Administrative assistance will be provided to Councillors with regards to correspondence from constituents. This will be in the form of an acknowledgment letter advising that the constituents' correspondence has been received and that a reply from a Council officer will be forthcoming. Once a detailed response has been finalised this correspondence will be forwarded to both the constituent and Councillor.

No other administrative assistance will be provided to Councillors unless it relates to a Councillor's civic duties, i.e. invitations to events and the like.

8.5 BYOD Electronic Devices

Councillors may purchase their own laptop, PC and/or tablet device and associated accessories for Council business, and seek reimbursement up to a maximum cumulative value of \$2,500 per Council term. Councillors are to liaise with Council's Information Management and Technology Group in regards to Council's required specifications.

If a Councillor elects to purchase their own electronic device and seek reimbursement they will retain ownership of the asset at the conclusion of the Council term. The Councillor will be responsible for organising all insurance, maintenance and replacement of such devices. The Councillor will also be able to load any software / apps of their choosing and the device will not be subject to the restrictions of Council policies relating to the use of computers and accessing websites, however when using Council Wi-Fi some restrictions may be put in place in accordance with Council policies.

If a Councillor purchases their own electronic device and wish to upgrade or replace a lost / damaged device during the Council term, they can seek reimbursement up to the remaining balance of the \$2,500 threshold.

8.6 Council provided Laptop and Tablet Devices

If a Councillor does not elect to provide their own laptop and/or tablet they will be supplied a Council issued laptop and/or tablet device and associated accessories to a maximum combined value of \$2,500 per Council term. The choice of the electronic devices will be at the discretion of the Chief Information Officer and will solely be based on Council's operating needs and purchasing efficiencies.

Council will retain ownership of the asset at the conclusion of the Council term and the items must be returned. Councillors will not be able to directly load any software/apps of their choosing and the device will be subject to the restrictions of Council policies relating to the use of computers and accessing websites.

8.7 Telephones, Plan Charges & E-Subscriptions

Council will not organise nor provide Councillors with a mobile telephone, fixed landline, fax machine and associated data plans.

Councillors shall organise their own mobile phone, phone plan and data plan and any fixed landlines to their premises and shall be reimbursed a maximum of \$250 per month per Councillor towards these costs. The plans obtained by Councillors may include bundled equipment including iPads subject to the maximum reimbursement being \$250 per month.

Councillors will also be reimbursed for subscription costs to an electronic metropolitan news service or App subject to the same \$250 a month limit applying.

Councillors will retain ownership of the phone / lines at the conclusion of the Council term. The Councillor will be responsible for organising all insurance, maintenance and replacement of such devices. The Councillor will also be able to load any software / apps of their choosing and the device will not be subject to the restrictions of Council policies relating to the use of computers and accessing websites.

Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

In the event that a Councillor has to break a contract for mobile and / or data due to ceasing being a councillor that council contribute towards plan cancellation costs if there are any, up to a maximum of the equivalent of three months payment of the relevant plan.

8.8 Computer consumables and stationery

Councillors can seek reimbursement for computer consumables, such as print cartridges, as well as for general stationery, and postage stamps used for council business. Reimbursement will be available up to a cumulative total for \$1000 per Councillor per term for such reimbursements.

8.9 Other items to be provided as necessary

The following items may be provided as required:

- up to four boxes of business cards, on a non cumulative basis;
- electronic letterhead;
- Council badge, tie and/or scarf;
- a shredder;
- personal protective clothing and/or equipment where deemed appropriate by the General Manager.

8.10 Acquisition and Returning of Equipment by Councillors

Except as provided above, all equipment provided to Councillors will remain the property of Council and is to be returned on completion of the Councillors' term of office. Councillors not seeking re-election, or who are not re-elected may request to purchase such property. These requests will be considered by the General Manager who will determine an appropriate selling price.

9. REPORTING REQUIREMENTS

The following information will be included in Council's Annual Report as detailed in Clause 217 of The Regulation:

- (1) For the purposes of section 428 (4) (b) of the Act, an annual report of a council is to include 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 (whether of the same or the opposite sex) 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.

10. RESPONSIBLE OFFICER

The Corporate Governance Manager is responsible for the implementation of the policy and legislative compliance.

11. RESPONSIBILITIES

The Manager Governance and Customer Service and the Corporate Governance Manager are responsible for approving and reimbursement of expenses and, the provision of facilities to the Mayor and Councillors. These responsibilities specifically include:

- Maintaining records/register;
- Reporting;
- Keeping the policy current;
- Implementing communications, education and monitoring strategies.

12. MONITORING

Application of this policy is monitored by the Corporate Governance Manager.

13. REVIEW DATE

The Local Government Act requires that Council adopt a Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors annually within the first 12 months of a Council term.

The Council may, if required, amend this policy at other times or subsequent policies adopted in accordance with Sections 252 and 253 of the Local Government Act. Amendments will only be undertaken through a report to a Council meeting.

14. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

- Records in all formats must be managed in accordance with legislation and Council's Record Keeping Program.
- Information and records relating to customers is held in accordance with Council's Privacy Management Plan.
- Access to information is to be carried out in accordance with Council's Access to Information Policy.
- A copy of the Policy will be available for inspection at Council's Administration office during ordinary business hours and on Council's website.
- Councillors are responsible for keeping individual records and submitting information to Council officers for processing.

15. BREACHES AND SANCTIONS

Inappropriate claiming of expenses or misuse of facilities by Councillors is a breach of this policy and must be reported to the General Manager.