INNER WEST COUNCIL

Councillor Expenses and Facilities Policy

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Summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties. It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) *and Local Government (General) Regulation 2005 (*the Regulation), and complies with the Office of Local Government's *Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW*.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed. The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	**Maximum amount**	**Frequency**
General travel expenses	$3,075 per Councillor	Per year
Interstate and long distance intrastate travel expenses	$15,375 total for all Councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development including Conferences and seminars	$92,250 total for all Councillors	Per year
ICT expenses	$3,690 per Councillor $6,150 for the Mayor	Per year
Carer expenses	$46,125 total for all Councillors	Per year
Home office expenses	$615 per Councillor	Per year
Postage stamps	Nil – to be posted by Council	Per year
Christmas or festive cards	100 per Councillor 500 for the Mayor	Per year
Access to facilities in a Councillor common room [where applicable Clause 9.1]	Provided to all Councillors	Not relevant
Council vehicle, toll tag and fuel card [where applicable Clause 10]	Provided to the Mayor	Not relevant
Reserved parking space at Council office where Mayoral office is located	Provided to the Mayor	Not relevant
Furnished office [where applicable Clause 10]	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors [where applicable Clause 10]	Provided to the Mayor and councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every three months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

Part A – Introduction

1. Introduction

1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Inner West Council.

1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.

1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.

1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

2.1. The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- ensure facilities and expenses provided to Councillors meet community expectations
- support a diversity of representation
- fulfil Council's statutory responsibilities.

3. Principles

3.1. Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
- **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** There must be equitable access to expenses and facilities for all Councillors
- **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.

4.3. Such incidental private use does not require a compensatory payment back to Council.

4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.

4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of Council resources and equipment for campaigning
- use of official Council letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses

5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

6.2. Each Councillor may be reimbursed up to a total of $3,075 per year for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:

- for public transport fares
- of mileage allowance for the use of a private vehicle per kilometre as provided for in the *Local Government (State) Award*
- for parking costs for Council and other meetings
- for tolls
- by Cabcharge card or equivalent
- hire car including documented car hire programs, such as GoGet, where invoices can be issued
- for documented ride-share programs, such as Uber, where tax invoices can be issued.

6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award*.

6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Traffic or parking fines incurred while travelling in private or Council vehicles on Council business is the sole responsibility of the person driving the vehicle.

Interstate and long distance intrastate travel expenses

6.5. This section includes reference to long distance intrastate travel. At Inner West Council, long distance intrastate travel is travel that is estimated to take more than four hours from the Councillor's residence.

6.6. Councils should avoid interstate and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.

6.7. Total interstate and long distance intrastate travel expenses for all Councillors will be capped at a maximum of $15,375 per year. This amount will be set aside in Council's annual budget.

6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.

6.9. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

6.10. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

6.11. Bookings for approved air travel are to be made through the General Manager's office.

6.12. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

6.13. Council will not pay any traffic or parking fines or administrative charges for road toll accounts or car share car hire programs.

Accommodation and meals

6.14. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside metropolitan Sydney.

6.15. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

6.16. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

6.17. Appropriate refreshments will be available for Council meetings, Council Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.

6.18. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the *NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, as adjusted annually.

Professional development

6.19. Council will set aside $92,250 annually in its budget to facilitate professional development of

Councillors through Conferences, Seminars, programs, training, education courses and membership of professional bodies.

6.20. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

6.21. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

6.22. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development
- relevance to Council priorities and business
- relevance of the exercise of the Councillor's civic duties.

6.23. In assessing a Councillor request for a professional development activity, the General Manager may consider the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

6.24. Council is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

6.25. This Policy provides for Councillor attendance at conferences and seminars, including the Local Government NSW Annual Conference. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

6.26. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:

- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

6.27. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.15 & 6.18.

Local Government NSW Annual Conference

6.28. Councillors will also be permitted to attend the Local Government NSW Annual Conference each year. Council will reimburse the cost of registration fees and where the conference is outside the metropolitan Sydney area, the cost of travel, accommodation and meals not covered by the conference registration, subject to Clauses 6.15 & 6.18.

6.29. For the Local Government NSW Annual Conference only, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.

ICT expenses

6.30. Council will provide or reimburse Councillors for expenses associated with appropriate ICT services up to a limit of $3,690 per annum for each Councillor. This may include services and data costs relating to mobile phones, landlines, laptops or tablets and home internet costs.

Council will reimburse the Mayor for expenses associated with appropriate ICT services up to a limit of $6,150 per annum.

Council will provide Councillors with a smartphone, choice of a laptop or tablet and a multifunction desktop printer / scanner / copier / fax machine.

6.31. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:

- receiving and reading Council business papers
- relevant phone calls and correspondence
- diary and appointment management.

6.32. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.

Special requirement and carer expenses

6.33. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.

6.34. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.

6.35. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.

6.36. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses. An allocation $46,125 has been made for carers expenses per annum across all councillors for attendance at official business, plus reasonable travel from the principal place of residence.

6.37. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

6.38. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

6.39. Each Councillor may be reimbursed up to $615 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

7. Insurances

7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

7.2. Councillors will be covered for personal injury whilst working on Council business, worldwide. Personal injury insurance provides cover for bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits of $350,000. Personal injury cover also provides coverage for permanent disability, temporary total disability and temporary partial disability. Due to the provisions set down in the Health Act, the cover does not include medical expenses.

7.3. Insurance protection is only provided if a claim arises 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. All insurances are subject to any limitations or conditions set out in the policies of insurance.

7.4. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

7.5. Appropriate travel insurances will be provided for any Councillors traveling on approved interstate and overseas travel on Council business.

8. Legal assistance

8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

8.2. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.

8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

8.4. Council will not meet the legal costs:

- of legal proceedings initiated by a Councillor under any circumstances
- of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a Councillor performing their role as a Councillor.

8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting.

Part C – Facilities

9. General facilities for all Councillors

Facilities

9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:

- a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol)
- access to shared car parking spaces while attending Council offices on official business
- personal protective equipment for use during site visits
- a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.

9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.

9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

9.4. Council will provide the following stationery to Councillors each year:

- letterhead, to be used only for correspondence associated with civic duties
- business cards
- up to 100 Christmas or festive cards per year for Councillors and 500 for the Mayor.

9.5. Councillor mail to be placed in the outgoing mail tray located in the Councillor common room. Councillor mail will be included as part of Council's daily mail collection by Council's postal provider.

Administrative support

9.6. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.

9.7. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the Mayor

10.1. Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a toll tag and a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.

10.2. The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.

10.3. The Mayoral Allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.

10.4. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.

10.5. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.

10.6. In performing their civic duties, the Mayor and councillors will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

10.7. As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Traffic or parking fines incurred while travelling in private or Council vehicles on Council business is the sole responsibility of the person driving the vehicle.

Part D – Processes

11. Approval, payment and reimbursement arrangements

11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business
- carer costs
- ICT expenditure.

11.4. Final approval for payments made under this policy will be granted by the General Manager or

their delegate.

Direct payment

11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Manager Civic and Executive Support for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Manager Civic and Executive Support. In the case of carer's expenses, Councillors may make a declaration of expenses incurred where they were unable to obtain a tax invoice or appropriate receipt.

Advance payment

11.7. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.

11.8. The maximum value of a cash advance is $155 per day of the conference, seminar or professional development to a maximum of $620.

11.9. Requests for advance payment must be submitted to the Manager Civic and Executive Support for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:

- a full reconciliation of all expenses including appropriate receipts and/or tax invoices; and
- reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

11.11. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.

11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

11.13. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the Councillor for the expense
- the Councillor will reimburse Council for that expense within 14 days of the invoice date.

11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

11.15. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.

12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's Annual Report.

14. Publication

14.1. This policy will be published on Council's website.

15. Reporting

15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every three months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16. Auditing

16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

17. Breaches

17.1. Suspected breaches of this policy are to be reported to the General Manager.

17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees
- Office of Local Government Circular 17-08: 2017/18 Determination of the Local Government Remuneration Tribunal

Related Council policies:

- Code of Conduct
- Code of Meeting Practice

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the Local Government Act 1993 (NSW)
Annual Conference	Means Local Government NSW Annual Conference
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
ICT	Means Telecommunications and Information Communications and Technology
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: • meetings of Council and committees of the whole • meetings of committees facilitated by Council • civic receptions hosted or sponsored by Council • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year