



Burwood ^{Inc.1874}

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

COUNCILLOR EXPENSES AND FACILITIES POLICY

PO Box 240, BURWOOD NSW 1805
2 Conder Street, BURWOOD NSW 2134
Phone: 9911-9911 Fax: 9911-9900
Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

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Policy 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 2021* (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	\$1,000 for each councillor An additional \$1,000 for the Mayor	Per financial year
Interstate, overseas and long distance intrastate travel expenses	\$10,000 total for all councillors	Per financial year
Accommodation and meals	As per the <i>NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009</i> , adjusted annually	Per meal/night
Professional development	\$5,300 per councillor Option: On one occasion only, a councillor may use their full allowance to undertake the <i>Company Director Course</i> delivered by the Australian Institute of Company Directors. The allowance will be topped-up for that year only to cover the full cost of the course.	Per financial year
Conferences and seminars	\$8,000 total for all councillors	Per financial year
Functions (council approved)	Maximum \$250 for entry costs	Per function
ICT expenses	iPad with a 10GB data plan issued to Mayor and all councillors [From the Council term commencing September 2024, the Mayor and councillors will have a choice of a laptop or iPad]	Per term

Expense or facility	Maximum amount	Frequency
	iPhone and accessories valued up to \$2,500 issued to the Mayor	Every financial year
	iPhone and accessories valued up to \$2,500 issued to each councillor	Every 2 financial years
	\$1,200 calls and data for the Mayor	Per financial year
	\$600 calls and data per non-mayoral councillor	Per financial year
	\$4,000 for other office tools and applications per councillor	Per term
Carer expenses	\$2,000 per councillor	Per financial year
Home office expenses	\$500 per councillor	Per financial year
Business cards	\$400 per councillor	Per financial year
Access to facilities in a Councillor common room	Provided to all councillors	Not relevant
Council vehicle, fuel card and cleaning	Provided to the Mayor	Not relevant
Car parking – a 'works permit' and access to shared parking spaces at Council offices	Provided to all councillors	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Appropriate staff to support the Mayor and Councillors	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.

Definitions

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)

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
council approved meeting or event	<p>Means the meeting or event meets one of the following criteria (based on Councillors' legislative role and responsibilities):</p> <ul style="list-style-type: none"> ▪ a leadership role in guiding the development and implementation of the Community Strategic Plan and Council's Delivery and Operational Programs ▪ direct and control the affairs of the Council in accordance with the Act ▪ furthered the optimum allocation of the Council's resources for the benefit of the area ▪ related to the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions ▪ related to a review of the performance of the Council and its delivery of services and the delivery program and revenue policies of the Council <p>Specific examples include:</p> <ul style="list-style-type: none"> ▪ meeting with the Member for Strathfield at Parliament House or electorate office regarding the Burwood Local Government Area ▪ meetings with adjacent Councils to discuss the development of policy relating to joint project delivery
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
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
official business	<p>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:</p> <ul style="list-style-type: none"> ▪ 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 2021 (NSW)
year	Means the financial year, that is the 12-month period commencing on 1 July each year

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 Burwood 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 the 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 the 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.
- 4.6. Where a service is partly used for official council business, councillors must claim only that part directly related to their civic duties as a councillor. Individual councillors must, therefore, make a reasonable estimate as to their private and civic duties use (in percentage terms) for such accounts.

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 \$1,000 per year, and the Mayor may be reimbursed an additional \$1,000 per year, for travel expenses incurred while undertaking official business, professional development, attending approved conferences or seminars, or attending council approved meetings or events within NSW.

This includes reimbursement:

- for public transport fares
- for the use of a private vehicle or hire car
- for parking costs for Council and other meetings
- for tolls
- by Cab Charge card or equivalent
- 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*, subject to consideration being given to comparative methods of travel such as air travel or the use of a pool or hire car, taking into account the nature and destination of the trip, to ensure the best use of Council resources.
- 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.
- 6.5. If a Cab Charge or a ride-sharing program is used, the councillor must not include a tip for the driver at Council's expense.
- 6.6. Councillors will need to complete a Cab Charge Advice Form for each charge used. The form can be found on the Councillor Portal. Cab Charge must not be used for travel that is considered to be of a personal nature.
- 6.7. A councillor may also use a Council-owned pool vehicle (if one is available) to facilitate the councillor's travelling requirements, for the following purposes:
 - travel to and from approved seminars and conferences
 - travel to and from Council business within the Metropolitan Area, subject to the General Manager's written approval in consultation with the Mayor

Councillors will provide a copy of a current and valid driver's licence to the Manager Governance & Risk, indicating that they are licensed to drive a vehicle.

Councillors will pick up and return the vehicle to the Council. Except in cases of an emergency, the vehicle is not to be driven by anyone other than the councillor(s) who have requested the vehicle. Council will meet the cost of fuel and all normal running expenses.

Interstate, overseas and long distance intrastate travel expenses

- 6.8. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas 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.
- 6.9. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of \$10,000 per year. This amount will be set aside in Council's annual budget.
- 6.10. Councillors seeking approval for any interstate, overseas or long distance intrastate travel must submit a case to the General Manager prior to travel.
- 6.11. All travel requests submitted under section 6.8 will be considered at an open meeting of the council prior to travel, through a report from the General Manager.
- 6.12. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.13. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.14. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.15. For international travel, the class of air travel is to be premium economy, if available. Otherwise, the class of travel is to be economy.

- 6.16. Bookings for approved air travel are to be made through the General Manager's office.
- 6.17. 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

- 6.18. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.
- 6.19. Should a councillor choose to use their own vehicle for travel on Council business or to approved conferences and seminars, Council will not accept responsibility for the cost of any breakdowns or damage to the vehicle as a result of such travel. Such costs are the individual councillor's responsibility. For example, Council will not pay for extra accommodation costs associated with vehicle breakdowns.
- 6.20. Claims for motor vehicle accidents/incidents involving councillors' private vehicles during a council approved trip will be assessed on a case by case basis.

Accommodation and meals

- 6.21. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside metropolitan Sydney.
- 6.22. 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.
- 6.23. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.22.
- 6.24. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.25. 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.
- 6.26. 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

- 6.27. Council will set aside \$5,300 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.28. On one occasion only, a councillor may opt to use the full \$5,300 allowance referred to in clause 6.27 to undertake the *Company Director Course* delivered by the Australian Institute of Company Directors. Given the relevance of the skills developed through that course, Council will top-up the professional development allowance for that councillor for that year only to cover the cost of that course. Council will pay for attendance either by online mode or in person at the Sydney-based 5-day intensive. (At the time of adoption of this policy, the online mode cost \$9,379 and the Sydney-based intensive cost \$11,849).
- 6.29. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors that 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.

- 6.30. 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.
- 6.31. 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 to the exercise of the councillor's civic duties.
- 6.32. In assessing a councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.30, as well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

- 6.33. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.34. Council will set aside a total amount of \$8,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is to cover all councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.35. This expenditure relates to relevant local governance conference and seminars, either within NSW or interstate, such as:
- The Australian Local Government Association (ALGA) and Local Government NSW (LG NSW) Annual Conferences
 - Special "one off" conferences called by LG NSW
 - Others as approved by Council resolution.
- 6.36. Attendance at the ALGA and LG NSW annual conferences will be approved by council at an open meeting of council.
- 6.37. Councillors seeking approval to attend another conference or seminar must submit a case to the General Manager. The case should cover the following factors:
- 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.
- 6.38. All requests submitted under section 6.34 will be considered at an open meeting of the council, through a report from the General Manager.
- 6.39. Council will meet the reasonable cost of registration fees, transportation, meals 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 6.21–6.24.
- 6.40. Council will not meet the following costs:
- laundry or dry cleaning services
 - use of the bar fridge other than water and non-alcoholic beverages
 - expenses incurred for movies provided in a hotel room
 - expenses incurred at bars (including the bar located at the hotel)
 - any tips for service provided by the councillors.
- 6.41. On returning from the seminar or conference, councillors, or a member of staff accompanying the councillor/s, should provide a written report to the next available Council meeting on the aspects of the seminar or conference relevant to Council business and/or

the local community. This report is not required for the Local Government NSW Annual Conference or the Australian Local Government Association Annual Conference.

Council approved functions

- 6.42. Entry costs for attending official Council approved functions in the Sydney Metropolitan Area will be reimbursed to a maximum of \$250 per function.
- 6.43. Parking fees will be reimbursed to a maximum of \$100 per function and will be deducted from the general travel expense limits outlined at Clause 6.2.
- 6.44. Council approved functions are those where the councillor receives an official invitation addressed specifically to the councillor in his/her capacity as an elected representative of Burwood Council and is relevant to the Burwood Local Government Area.
- 6.45. Councillor expenses may not be used to support attendance by councillors at political fund-raising functions.

Accompanying person's expenses

- 6.46. Council will meet certain expenses incurred by a councillor on behalf of an accompanying person up to an annual limit of \$600, providing they are properly and directly related to the role of the councillor as follows:
 - Attendance at official Council functions that are of a formal and ceremonial nature, as considered appropriate, when accompanying councillors within the local government area or outside the local government area but within the State when representing the Mayor. Examples include, but are not limited to, Australia Day Award ceremonies, Citizenship ceremonies, Civic receptions and charitable functions for charities formally supported by Council.
 - Limited expenses of accompanying persons associated with attendance at the Local Government NSW and the Australian Local Government annual conferences. These expenses are limited to the cost of registration and the official conference dinner. Travel expenses, any additional accommodation expenses, and the cost of partner tours, etc., are the responsibility of individual councillors.
- 6.47. In relation to seminars and conferences attended by a councillor, all costs for an accompanying person, including any additional accommodation costs must be met by the councillor or accompanying person.
- 6.48. The payment of expenses for accompanying persons attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses such as grooming, special clothing and transport will not be reimbursed.

Information and communications technology (ICT) expenses

- 6.49. Council will provide the councillors with a package of ICT devices and services for use during each term of council, as determined by the General Manager.
- 6.50. These devices and services are provided for councillors to undertake their civic duties, such as:
 - receiving and reading council business papers
 - relevant phone calls and correspondence
 - diary and appointment management.
- 6.51. Council will issue the Mayor and councillors with an iPad to a specification determined by the General Manager but including WiFi capability and a data SIM each term. It is the intention that the iPad will be used as the primary means of accessing council business papers. From the start of the Council term commencing in September 2024 the Mayor and Councillors will have the option of an iPad or a laptop.

- 6.52. The iPad and data services will be managed, paid for and maintained centrally by council to a Fairplay Policy Data Plan (or equivalent). As at January 2022, this plan was valued at \$540 per councillor per year.
- 6.53. At the start of each term, council will issue the Mayor with an iPhone and accessories up to a value of \$2,500 and to a specification determined by the General Manager. The Mayor will be reimbursed for the cost of calls and data used for council business to a maximum of \$1,200 per year.
- 6.54. At the start of each term, council will issue each councillor, other than the Mayor, with an iPhone and accessories up to a value of \$2,500 and to a specification determined by the General Manager. This will include a call and data plan managed and paid for centrally by council under a Fairplay Policy Voice and Data Plan (or equivalent) to a maximum of \$600 per councillor per year. As at January 2022, this plan was valued at \$540 per councillor per year.
- 6.55. In addition, council will reimburse councillors for expenses associated with other ICT or home office tools or applications up to a limit of \$4,000 per term for each councillor. It is noted that council's IT staff will not maintain or support the additional items purchased under this clause. Items purchased under this clause remain the property of Council and must be returned to Council in accordance with clause 14.1.
- 6.56. Councillors will be issued with a Council email address and access to the Council's email system for their civic duties.
- 6.57. Councillors will have access to a secure Councillor Portal where business papers, forms, access to policy documents and other key information will be made available.

Maintenance and replacement of ICT devices during the term

- 6.58. Councillors are expected to take the utmost care for any equipment provided to them.
- 6.59. Any scheduled or regular maintenance of Council provided facilities, including software upgrades or replacement of equipment due to technical redundancy, are carried out at Council's expense by Council staff.
- 6.60. The Mayor's iPhone will be replaced each year, with the approval of the General Manager.
- 6.61. An iPhone for a non-mayoral councillor will be replaced every 2 years, with the approval of the General Manager.
- 6.62. In the event that a piece of equipment is faulty or damaged, it will either be repaired or replaced following an assessment of the cost.
- 6.63. Any other repairs, unscheduled maintenance or negligently broken, stolen or lost equipment, must be paid for by the councillor personally.
- 6.64. Councillors must report the theft of any equipment issued immediately to the Police and to the Manager Governance & Risk.

Special requirements and carer expenses

- 6.65. 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.
- 6.66. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.67. 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.
- 6.68. 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 up to a

maximum of \$2,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

- 6.69. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.70. 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

7. Insurances

- 7.1. In accordance with Section 382 of the Act, Council is insured through CivicRisk Mutual with a range of insurance covers. Councillors are included as a named insured in all Council's insurance policies.
- 7.2. 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.
- 7.3. Council will pay the insurance policy excess in respect of any claim that is indemnified by Council. In the case of allegations against the councillor that are not indemnified by Council, the excess must be paid by the individual councillor.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling 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 Act provided that the outcome of the legal proceedings is favourable to the councillor
 - 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 and the outcome of the legal proceedings is favourable to the councillor
 - 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 Code of 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 and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 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 prior to costs being incurred.

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 multi-function device (including photocopier and printer), desk, pigeon hole message boxes and appropriate refreshments (excluding alcohol)
 - personal protective equipment for use during site visits
 - a name badge that may be worn at official functions.
- 9.2. Councillors will be provided with a security pass for entrance to the councillors' common room and the public areas of the council administration building.
- 9.3. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through the Executive Assistant to the Mayor and Councillors.
- 9.4. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.
- 9.5. The councillor common room and facilities, including multi-function devices, are not to be used for private purposes and, in no circumstances, are they to be used to produce electoral material.

10. Car parking

- 10.1. Councillors are provided with a Parking Permit (a 'Works Permit') to be used when performing their Civic Duties in areas where parking restrictions (time limited or metered) apply.
- 10.2. Where councillors have access to more than one vehicle, they may be issued with a maximum of two permits, with each permit identifying the applicable registration number for the vehicle. Parking Permits are valid for a period of 12 months.
- 10.3. The conditions of use for Parking Permits are as follows:
- The Parking Permit is only valid if it is displayed in the vicinity of the lower windscreen on the passenger side of the vehicle and is clearly visible to an authorised officer.
 - Vehicles displaying valid Parking Permits are exempt from time limits and parking charges in locations signposted as ¼, ½, 1, 2, 4, 6 or 10 Hour Parking (ticket, metered or free), including all Burwood Council operated off-street car parks.
 - The Parking Permits are not an exemption from other restrictions including, but not limited to, "NO STOPPING", "NO STANDING", "NO PARKING", "LOADING ZONE", "TRUCK ZONE", "WORKS ZONE", "BUS ZONE" or "CLEARWAY".
 - The Permits are not valid for use in parking spaces approved by the General Manager and designated for Law Enforcement Vehicles.
 - Permit holders are strictly prohibited from selling, leasing, transferring or assigning any Parking Permit to any third party.
 - Incorrect use of a Parking Permit may result in disciplinary action and/or parking infringement notices (fines).
 - All Parking Permits remain the property of Burwood Council.
 - Permit Parking must be strictly used for Civic Duties only.

- 10.4. Councillors will also have access to 3 shared car parking spaces allocated for councillors in the secure basement parking area of the Council administration building for use while attending council meetings. Councillors may use any other available shared car parking spaces in that car park when attending council meetings occurring after normal business hours.

Home office and stationery expenses

- 10.5. Each councillor may be reimbursed up to \$500 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery, letterhead, greeting cards for council events, and toner cartridges.
- 10.6. In addition, council will provide councillors with business cards to a value of \$400 per year.
- 10.7. Council will pay for postage of official correspondence provided that all mail is directed through council's mailing system and a copy of correspondence is maintained on relevant council records.
- 10.8. Councillors are not permitted to personalise Council's letterhead in any way that may portray the councillor as acting on behalf of Council.
- 10.9. Council funds are not to be used to promote groups or affiliations and they are not to be displayed or promoted on correspondence as this practice is considered to be electioneering.
- 10.10. Councillors, excluding the Mayor, are prohibited from using any of Council's intellectual property, including, but not limited to, Council's name, logo and motto, on any personalised stationery. Photographs for which Council is the copyright owner, must not be used on personalised stationery without the written approval of the General Manager. The only exception is the Mayoral Letterhead, as this is produced by Council.

Administrative support

- 10.11. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by the Executive Assistant to the Mayor and Councillors or by another member of council's administrative staff as arranged by the General Manager or their delegate.
- 10.12. 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.
- 10.13. All interactions are to be undertaken in accordance with the *Interaction Between Council Officials Policy*.

11. Additional facilities for the Mayor

- 11.1. Council will provide to the Mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card and a regular carwash service. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
- 11.2. Council will provide the Mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 11.3. Appropriate refreshment supplies will be provided up to a value of \$500 per year (excluding alcohol).
- 11.4. In performing his or her civic duties, the Mayor will be assisted by the Executive Assistant to the Mayor and Councillors who will provide administrative and secretarial support, or by another member of council's administrative staff as determined by the General Manager.
- 11.5. 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.
- 11.6. All interactions are to be undertaken in accordance with the *Interaction Between Council Officials Policy*.

- 11.7. Council provides and maintains Mayoral Robes and the Mayoral Chain of Office for use by the Mayor at official, civic and ceremonial services.

Part D — Processes

12. Approval, payment and reimbursement arrangements

- 12.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 12.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 12.3. 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 under Clause 6.54
 - home office and stationery expenses.
- 12.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 12.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Manager Governance & Risk 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

- 12.6. All claims for reimbursement of expenses incurred must be made using the approved form provided on the Councillor Portal and must be supported by appropriate receipts and/or tax invoices.
- 12.7. Reimbursement claims should be submitted to the Governance team (Governance@burwood.nsw.gov.au) within the three month claim deadline.

Advance payment

- 12.8. The payment of expenses in advance will not be considered.

Notification

- 12.9. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 12.10. 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

- 10.1. 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, and
 - the councillor will reimburse council for that expense within 14 days of the invoice date.
- 10.2. 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

- 10.3. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within the financial year in which the expense was incurred. Claims made after this time cannot be approved.
- 10.4. Expenses incurred close to the end of a financial year should be immediately submitted for reimbursement to ensure funds are expended from the appropriate year's budget and council can meet the Annual Reporting requirements in line with the Act.

13. Disputes

- 13.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the General Manager.
- 13.2. 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. Any decision by Council is final.

14. Return or retention of facilities

- 14.1. 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. This includes items purchased under clause 6.54.
- 14.2. 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.
- 14.3. All equipment not returned within 30 days must be paid for by the councillor at replacement cost.
- 14.4. The prices for all equipment purchased by councillors under Clause 14.2 will be recorded in Council's annual report.

15. Publication

- 15.1. This policy will be published on council's website.

16. Reporting

- 16.1. Council will report on the provision of expenses and facilities to councillors as required by the Act and Regulations. This includes providing a statement of the total payment of expenses and provision of facilities for Councillors in the Annual Report, including costs for:
 - provision of dedicated office equipment allocated to Councillors
 - telephone calls made by Councillors
 - attendance by Councillors at Conferences and Seminars
 - professional development
 - interstate visits by Councillors, including transport, accommodation and other out of pocket travelling expenses
 - overseas visits by Councillors, including transport, accommodation and other out of pocket travelling expenses
 - expenses of any spouse, partner or other person who accompanied a Councillor that were met by Council
 - expenses involved in the provision of care for a child or an immediate family member of a Councillor.

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.

Related Information

- *Local Government Act 1993*, sections 252 and 253
- *Local Government (General) Regulation 2021*, sections 217 and 403
- Burwood Council Code of Conduct
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Councillor Handbook, 2021
- Local Government Circular 21-12 “Electoral Matter” and use of council resources prior to local government elections
- Local Government Circular 17-17 Councillor Expenses and Facilities Policy – Better Practice Template

Review

As required by section 252 of the Act, this policy will be reviewed in the first 12 months of each new term of Council.

Contact

Coordinator Governance, Ph. 9911 9908