

Title:	Councillor Expenses and Support Policy
Type:	Council
Adopted:	22 July 2020
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Attachments:	Nil

1. Purpose

The purpose of this Councillor Expenses and Support Policy is to establish the resources and support necessary to enable Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020 (the Act)*. This Policy also commits to ensuring that expenses reasonably incurred in the performance of their role are paid for directly by Council or appropriately reimbursed.

2. Rationale

The Councillor Expenses and Support Policy (Policy) gives a broad overview of how Council can provide assistance to its Councillors in carrying out their functions. It cannot prescribe for every possible situation that may arise.

This Policy is also prepared to enable an equitable distribution of resources to allow Councillors to enhance their skill development and knowledge relevant to the local government sector.

The *Local Government Act 2020* provides for the reimbursement of out of pocket expenses incurred while performing the duties as a Councillor.

In addition, Mayor, Deputy Mayor (if appointed) and Councillor Allowances are provided separately to the reimbursement of expenses and the costs of facilities/resource support.

The basic test that will be applied to determine whether or not an expense is lawfully incurred is whether the expenditure is necessary because it is supplemental or incidental to or consequent on the exercise of Council functions. Where these criteria are satisfied and a Councillor has incurred an out of pocket expense they will be reimbursed by Council.

3. Scope

This Policy covers both the Mayor, Deputy Mayor and Councillor allowances, the provision of resources to enable Councillors to undertake their role effectively and the reimbursement of any reasonable expenses incurred by Councillors and Delegated Committee Members in undertaking these duties.

4. Definitions

Reference Term	Definition
Act	The <i>Local Government Act 2020</i>
Carer	A carer is defined under section 4 of the <i>Carers Recognition Act 2012</i>
CEO	The Chief Executive Officer appointed by Council under section 94 of the <i>Act</i> .
Council	The seven Councillors elected to represent the Murrindindi Shire when they are acting in a formal decision making forum.
Councillors	The seven Councillors elected to represent the Murrindindi Shire Council.

Reference Term	Definition
Eligible Council Business	<p>The following will be deemed to be Eligible Council Business:</p> <ul style="list-style-type: none"> • attending Scheduled and Unscheduled Council Meetings and meetings of Committees of Council • attending formal briefing sessions and civic or ceremonial functions convened by the Council or Mayor • attending meetings - necessary for the Councillor to exercise a delegation given by Council or as convened by the Mayor or Council • attending a meeting, function, sector-conferences or other official role attended as a representative of the Council or Mayor • attending meetings of a group, organisation or Statutory Body to which the Councillor has been appointed the Council delegate. (Where the body has its own reimbursement policies and procedures, Council will not approve further reimbursement). • attending to inspect a street, property or area (or to discuss with any person) any matter affecting or affected by the Council, and/or in order to carry out activities in the capacity of a Councillor • attending meetings of any Council appointed committee or any incorporated charity or community organisation, as a representative of the Council • attending meetings or to participate in delegations or deputations to which the Councillor has been appointed as a representative by Council, the Chief Executive Officer or Mayor <p>Any claims for expense reimbursement related to matters falling outside of this definition must be approved by the CEO.</p>
Executive Office Team	'Office of the Executive and Mayor' – staff engaged by the CEO to support the Mayor, CEO and Executive

5. Policy

5.1 Allowances

Calculation of allowances

Under section 39 of the *Act* the Mayor, Deputy Mayor and Councillors are entitled to receive from the Council an allowance in accordance with a determination of the Victorian Independent Remuneration Tribunal.

**Until such time as a determination is made the *Local Government Act 1989* section 73B, 74 to 74B apply.

Allowances also include the addition of an amount equivalent to the superannuation guarantee (currently 9.5%).

Councillor Expenses and Support

Councillors can choose to have some or all of their total allowance paid into their preferred superannuation fund (including self-managed funds) as a pre-tax salary sacrifice contribution, in accordance with Australian Tax Office (ATO) Rules.

Council officers are unable to provide personal financial advice. Councillors should seek independent advice in relation to personal financial, superannuation and taxation circumstances.

In relation to payment of the allowance:

- a Mayor, Deputy Mayor or Councillor may elect to receive the entire allowance, part of the allowance or no allowance
- allowances are taxable income and are paid monthly in advance
- payment will be made by electronic funds transfer, into an account authorised in writing by the Councillor.

Payment to a Councillor ceasing to hold office or pending an election will be calculated based on the date on which the Councillor will cease to hold office.

Council will provide Councillors within two weeks of the end of each financial year, a breakdown of allowances and reimbursements received during the previous financial year.

Remote area travel allowance

In accordance with Government policy, if a Councillor, including a Mayor, normally resides more than 50kms by the shortest possible practicable road distance from the location or locations specified for Eligible Council Business the Councillor may claim an additional allowance of \$40 in respect of each day in which one or more meetings or authorised functions were attended by that Councillor, up to a maximum of \$5,000 per annum.

5.2 Information & Communication Support

Equipment Provided

Councillors will be provided with the following equipment to allow them to effectively carry out their duties:

- A portable computer, internet enabled
- Relevant software, including MS Office Suite
- Mobile phone, internet enabled

Equipment is provided as part of a Councillor's induction process and all queries regarding provision or maintenance of equipment should be addressed to the Executive Office Team.

Accessories or services beyond the standard equipment may be provided upon request to the CEO. The additional cost of any accessories provided may be charged to the Councillor.

Administrative support, for work directly related to the duties of office will be provided through the Executive Office Team. Councillors are encouraged to undertake their role utilising documents in an electronic format as far as possible.

The Manager Business Services will maintain a register of all equipment provided to Councillors for Council business. This register will be available for public inspection.

All equipment issued to a Councillor is to be returned at the conclusion of a Councillor's term of office.

Councillor Expenses and Support

The portable computer and mobile phone (handset) will be made available for purchase at the market value price determined by the CEO at the end of the Councillors term. Should a Councillor wish to purchase an item it will be provided following receipt of payment, having been cleansed of all data and software (including the MS Office suite) and returned to original factory settings.

The phone number remains the property of Council and will not be made available for Councillors to retain for personal use at the end of their term.

Usage Requirements and Restrictions

Mobile phone usage is restricted to domestic calls; international calls are not to be made unless first authorised by the CEO, and must directly relate to the performance of duties associated with achieving the objectives of Council and comply with the mobile phone management procedure.

All mobile phone and internet usage connected with Council property must be in accordance with Council policies and the Councillor Code of Conduct. All internet usage and telephone and text log data may be monitored by Council to ensure compliance.

Mail

When communicating with constituents Councillors are encouraged to use electronic formats where possible. If a hard copy letter is required to be sent this must be coordinated through the Executive Office Team and will be sent on the Councillor's behalf.

5.3 Expense Reimbursement

Councillors are entitled, under section 40 of the *Act* to reimbursement of expenses reasonably incurred in the performance of their duties.

Where applicable purchases are to be made by Council officers on behalf of the Councillor in accordance with Council policies. The Executive Office team will coordinate the booking, ordering and purchasing of any goods or services required for a Councillor to undertake their duties. For example all accommodation, conferences and flights are to be booked and paid for by the Executive Office team on behalf of the Councillor.

Councillor Calendar

Councillors have access to two Outlook (electronic) calendars accessible from Council devices. One is applicable to the individual Councillor and the other is a shared calendar for all Councillors. The Executive Office Team has access to view both.

To be eligible for reimbursement, all Eligible Council Business events must be recorded in at least one of the supplied calendars and able to be verified by the Executive Office Team. Councillors may seek assistance from the Executive Office Team to ensure these events are in the appropriate Calendar.

5.4 Delegated Committee Members

In accordance with section 40 of the *Act*, members of Delegated Committees are also covered by this Policy. For the purposes of the expense reimbursement part of this Policy "Councillors" also includes members of Delegated Committees.

Community Asset Committees or Advisory Committee members are not entitled to claim reimbursement of expenses incurred whilst exercising their duties as a committee member unless specifically outlined in their contract with Council or Charter or Instruments of delegation.

Responsible Officer: Manager Governance & Risk

22 July 2020

TRIM Reference: 20/41360

5.5 Child Care / Carer Expenses

Councillors are entitled to reimbursement for expenses relating to the care of a dependent, while the Councillor or delegated committee member is undertaking their official duties.

Council will provide reimbursement of costs where the provision of childcare or carer services is reasonably required for a Councillor or member of a delegated committee to perform their role (s 41(2)).

Reimbursement is subject to the following conditions:

- Each child care / carer expense claimed shall be substantiated by a receipt from the caregiver showing the dates and times care was provided and accompanied by a written statement from the Councillor explaining why the care was needed on each occasion
- Payments for carer and childcare services will not be made to a person who resides with the councillor or delegated committee member; has any financial or pecuniary interest with the councillor or delegated committee member; or has a relationship with the councillor, delegated committee member or their partner
- Claims for reimbursement of child care and or family care expenses must be submitted within 60 days of the date from which they are incurred; and
- For the purposes of this policy, a child shall be defined as up to, but not including, 16 years of age.

5.6 Travel Expenses

Council Vehicles

Council will provide the Mayor a vehicle for Eligible Council Business use during his/ her term. The vehicle entitlement does not extend to private use. The vehicle allocated will be determined by the CEO in accordance with Council's Vehicle Policy

Councillors are encouraged to use Council vehicles for eligible Council business except where this is not practical. Council vehicles can be booked via the Executive Office Team.

Use of Council vehicles must be in accordance with Council's Vehicle Policy, Fuel Card Policy and Driver Safety Policy.

Where a return trip is to be more than 500km a Councillor must use a Council vehicle arranged by the Executive Office Team. Any exception must be approved by the CEO in advance of the travel.

Private Vehicles

Where private vehicles are used by Councillors on Eligible Council Business:

- The vehicle must be comprehensively insured by the owner of the vehicle.
- The vehicle must be roadworthy.
- The owner of the vehicle must be able to prove the vehicle is registered, comprehensively insured and roadworthy.
- The owner of the vehicle should notify their insurance company that the vehicle is being used for work purposes.
- Councillors may be eligible for reimbursement of their personal excess in the event of an accident in a personal car when being used for eligible Council Business purposes. Councillors should contact Council's Director Corporate and Shared Services to confirm eligibility following an incident.

Councillor Expenses and Support

Councillors are eligible to claim car mileage expenses when using their private vehicle to attend Eligible Council Business (as per definition).

Travel is measured to and from their main Murrindindi Shire residence (or Murrindindi Shire rateable property). Councillors will be reimbursed for kilometres travelled while using their own vehicles in accordance with the applicable ATO rate.

For mileage to be reimbursed the following must be recorded:

- The Eligible Council Business reason for travel must be recorded in the Councillor's Calendar (Outlook)
- The reimbursement form must have the following:
 - date of travel
 - vehicle registration
 - the odometer reading at start of travel and at the end of travel
 - relevant locations of the travel
 - details of the business reason (refer to definition of Eligible Council Business) and the benefits to Council in attending

All travel is to be undertaken as efficiently as possible. Councillors undertaking private travel arrangements in conjunction with any travel for Eligible Council Business must ensure that all costs incurred for private purposes are clearly delineated and that appropriate records are maintained.

Parking, Tolls and Other Vehicle associated expenses

Car parking fees will be reimbursed on the basis of original receipts and relevant details regarding the date and Eligible Council Business purpose. The most value for money parking options should be sought. Where possible parking should be booked by the Executive Office Team in advance.

Costs associated with tolls, including the use of day passes or those transactions incurred as part of existing personal e-tag accounts will be reimbursed where associated with Eligible Council Business activity or training / professional development. Copies of relevant supporting documentation must be provided.

Councillors are encouraged to use public transport for meetings and conferences to and within the Melbourne Central Business District. Public transport fares will be reimbursed upon production of receipt/ticket or a valid personal PTV account statement. Council will make available PTV Cards for Councillor use, which can be obtained through the Executive Office Team.

All public transport must be booked using economy fares. Should a Councillor wish to upgrade the fare, the difference must be paid by the Councillor directly.

Fines and Infringements will not be borne by Council. Councillors will be responsible for the payment of their own fines and infringements (in a Private Vehicle or Council Vehicle).

Flights and Hire Car Expenses

All flights are to be booked and paid for by the Executive Office Team, with the prior approval of the Mayor and CEO. The following provisions will be applied when booking flights:

- All air travel will be booked using the best price of the day, value for money and where possible booked at least 2 weeks in advance
- Domestic air travel of 3 hours or less must be in economy class
- Business class is permitted for domestic trips that exceed 3 hours
- International travel may be booked in economy, premium economy or business class (at the discretion of the Mayor and CEO)

Responsible Officer: Manager Governance & Risk

22 July 2020

TRIM Reference: 20/41360

- Should a Councillor wish to upgrade the fare, the difference must be paid by the Councillor directly.

Hire cars required by Councillors in order to undertake Eligible Council Business must be booked and paid for by the Executive Office Team. Any exception must be approved by the CEO in advance of the travel or expenses being incurred. Vehicle type will be determined by the CEO at a comparable level to Council's Vehicle Policy and will require prior approval of the Mayor and CEO.

5.7 Professional Development, Conference & Training Expenses

Professional development of Councillors is strongly encouraged and the selection of training or attendance at a conference or seminar should be based around relevance to the individual Councillor during their current term in office, and be of demonstrable benefit to the enhancement and development of the Council's skills and abilities with regard to effective community representation.

All elected Councillors shall be supported in their role through a comprehensive induction program as soon as possible after an election. This will include legislative requirements, roles, responsibilities and conduct of Councillors, policy development, strategic planning as well as issues affecting the Murrindindi Shire Council

A number of conferences and seminars are organised throughout the year by professional bodies to develop the skill set Councillors need to undertake their roles and responsibilities as elected community representatives. Throughout the term of a Council Councillors will be given the opportunity of attending short training programs, conferences, seminars and functions. The selection of a conference or function should be based on its relevance to the role and development of the Councillor or his/her Ward or portfolio responsibilities.

The approval of any training, conference or meeting attendance will be based on its relevance to the role and professional development of the Councillor for their term in office.

Municipal Association of Victoria (MAV) points will be used ahead of a financial contribution to the training or conference.

Attendance of a Councillor at standard tertiary or postgraduate level diploma or degree study courses is not eligible for Council contribution.

To aid mutual understanding and learning across Councillors, individual Councillors attending an approved conference, forum or training will be required to provide a brief report on the content and outcomes of the event at a Council briefing within 30 days of attendance or completion of the conference, forum or training.

Annual Financial Allocations

Council will allocate an annual amount to cover the component of training and professional development that is applicable to all Councillors as a group. This may include necessary / mandatory training, team-based development or where the Mayor or Councillors request the attendance of all Councillors.

An additional annual budget allocation will be provided for individual Councillor training, professional development and conference attendance. This allocation includes the training or conference fee and associated travel expenses. The distribution of this amount amongst Councillors will notionally be determined by dividing the budgeted amount by the number of Councillors, noting that the final distribution will be by the agreement of the Councillors and the Mayor, based on individual needs.

Councillor Expenses and Support

An application to attend or undertake any training, professional development or conferences must be completed on the “Councillor Training and Professional Development Application form” (online) and submitted to the Executive Office Team to be approved by the Mayor and CEO. This application must include an estimate of associated expenses and a valid business reason for the request.

The registration, booking and payment of the training / professional development and associated travel expenses (including accommodation) will be undertaken by the Executive Office Team.

Where a Councillor is presenting

Where a Councillor is invited to present at a conference or event and is paid a fee, that fee will be paid into Council’s general revenue. Any gifts received are to be managed in accordance with Council’s Gift Policy and Councillor Code of Conduct.

5.8 Accommodation

Accommodation can be arranged for Councillors undertaking the Eligible Council Business, training / professional development or an approved purpose in the following circumstances:

- The Councillor is travelling 2 hours or more and is required to attend prior to 9:30am
- The Councillor is travelling 2 hours or more and the event finished after 5pm
- The Councillor is required over consecutive days
- Where the day will exceed 12 hours from leaving home to returning home
- Any other circumstances where it is deemed appropriate by the Mayor and CEO.

Accommodation will be booked and purchased by the Executive Office Team unless prior approval of the CEO is sought.

Accommodation will be sourced close to the venue taking into account suitability, safety and budget. Requests can be made and will be considered where reasonable.

Councillors wishing to make alternative arrangements will incur the additional expense above what would have been purchased.

5.9 Meals

Training, Conferences or Professional Development

Reasonable expenses for meals and refreshments will be reimbursed for attending conferences, professional development workshops, and training where overnight accommodation is required or where catering is not provided by the event organisers, .

Reasonable expenses for meals and refreshments will be reimbursed when a Councillor is undertaking other Eligible Council Business and it is reasonable to expect that the Councillor purchase a meal or refreshments. The Australian Tax Office overtime meal allowance rates will be used as the indicator for the maximum amount considered for reimbursement. This amount is set annually by the ATO and will be communicated to Councillors. Reimbursement for meals and refreshments will only be made on the presentation of tax receipts for each transaction (refer 5.13).

Expenses for alcohol consumption will not be reimbursed.

Council Meetings and Briefings

Where deemed appropriate, Councillors and relevant staff will be provided with suitable meals and refreshments while attending Council Meetings and Briefings. This will be purchased directly by Council.

Dietary requirements will be accommodated.

5.10 Accompanying Partner/Guests

Attendance at seminars, conferences and civic functions of a Councillor's partner or guest shall be at the expense of the Councillor.

Accommodation provided by Council may be shared by an additional person, so long as there is no additional cost to Council and the CEO has been advised prior.

5.11 Insurance

Councillors are covered under the following Council insurance policies whilst discharging their duties as a Councillor:

- Public liability
- Professional indemnity
- Councillors and officers liability; and
- Personal accident
- Corporate Travel (accompanying partners included).

Each Councillor has a responsibility to disclose details of any circumstances which may result in a claim for breach of professional duty. Similarly, if a Councillor becomes aware of a matter that exposes the Council to risk of a potential claim or that exposes the public to potential injury or harm, the matter is to be reported immediately to the CEO.

5.12 Other Expenses

Other expenses incurred by Councillors will be reimbursed where they are associated with the Councillor conducting Eligible Council Business or to enable Councillors to undertake their role. The business reason for the cost, the amount and relevant evidence of purchase must be submitted as part of the reimbursement process for approval.

Councillors will be supplied with the following items:

- Business Cards
- Stationery
- Name Badge
- Relevant subscriptions – such as local publications
- Protective clothing where required.

Councillor requests for goods and services to support them undertaking their role are to be directed to the Executive Office Team to arrange a purchase if required.

Legal expenses

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor will be the responsibility of that Councillor.

Councillor Expenses and Support

Councillors may discuss potential liability claims on a case by case basis with the CEO to determine if any legal advice or insurance claim is applicable.

Administration Services

Limited administrative support is available to Councillors for work directly related to the duties of the office. All support will be coordinated by the Executive Office Team.

Meeting rooms

Where a Councillor requires a meeting space this is to be coordinated with the Executive Office Team. The booking and payment of any fees will be coordinated on the Councillor's behalf.

5.13 Procedures for Reimbursement of Councillor Expenses

All reimbursement claims must be submitted on the Councillor Expense Reimbursement Form within 60 days of expense being incurred. Claims in excess of 60 days will not be reimbursed.

A tax invoice / receipt must be obtained for each purchase. Where a receipt has been lost or could not be obtained a statutory declaration will be required.

The reimbursement claim including relevant evidence of purchase is to be submitted to the Executive Office Team for assessment before being forwarded to the Mayor and CEO for final assessment and approval.

The assessment process will be conducted as follows:

1. The Executive Office Team will cross match the claims with the Councillor Calendar to confirm the record of the event. Should the event not appear in the Calendar the claim will be returned to the Councillor and evidence of the event occurred will be required.
2. The Mayor will then assess and approval or refuse the reimbursement
3. The CEO will provide final sign off
4. If approved the Reimbursement Form will be forwarded to the Governance & Risk Team for processing.

The Mayor's claims will be initially assessed by the CEO and then signed off by the Director Corporate and Shared Services.

5.14 Reporting and Auditing

Reporting of Councillor expenses (including purchases by Council for Councillors and reimbursements) will be included as part of the financial report which is presented to Council on a quarterly basis. This report is made publicly available.

Councillor expenses are subject to audit by the Victorian Auditor General, the Local Government Inspectorate and Council's internal auditor.

5.15 Breach of this Policy

Any breaches of this Policy will be dealt with in accordance with the Local Government Act 2020 and the Councillor Code of Conduct.

6. Related Policies, Strategies and Legislation

- *Local Government Act 2020*
- Councillor Code of Conduct
- Gifts and Hospitality Policy

7. Council Plan

Adoption of this Policy supports the strategy in the Our Promise Strategic Objective of the Council Plan 2017-2021 to maintain Council's financial sustainability through sound financial and asset management.

8. Management and Review

The Chief Executive Officer will monitor the implementation of this Policy and conduct the review of the Policy by July 2023 or earlier, if required by the review of the *Local Government Act*.

9. Consultation

Consultation has occurred with Councillors in the review of this Policy.

10. Human Rights Charter

This Policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.