

**COUNCIL POLICY**



<b>TITLE:</b>	COUNCIL EXPENSES POLICY
<b>ID NUMBER:</b>	CPO-CEO-CS-003 DocSetID815362
<b>DEPARTMENT:</b>	CHIEF EXECUTIVE OFFICER
<b>UNIT:</b>	COUNCIL SUPPORT
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer

<b>ADOPTED DATE AND BY WHOM:</b>	25 August 2020 – adopted by Council
<b>EXPIRY DATE:</b>	25 February 2024
<b>REVIEW DATE:</b>	Prior to February 2024 <i>This policy will be reviewed on a four yearly basis and in accordance with any legislative or council changes and/or requirements.</i>

<b>AVAILABILITY:</b>	Organisation wide	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Internet	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>ADVISE AVAILABILITY:</b>	Media Release	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Sou Wester (Responsible Officer to prepare article)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

## 1. References

### Legislation

- *Local Government Act 2020* –; Section 40 - Reimbursement of expenses of Councillors and members of a delegated committee; Section 41 – Council Expenses Policy and Section 42 - Resources and facilities for the Mayor and Councillors.
- *Overarching Governance Principles and Supporting Principles (Section 9 of the Local Government Act 2020)*
- *Carers Recognition Act 2012*
- *Gender Equity Bill 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973*
- *Local Government (General) Regulations 2015.*
- *Local Government (Planning and Reporting) Regulations 2014 – Regulation 14 (db)*
- VAGO Fraud and Corruption Control Audit – Local Government, June 2019

### Council Policies

- Governance Rules (DocSetID 2726760)
- Public Transparency Policy (DocSetID 2714387)
- Council Policy – Fraud and Corruption Control (DocSetID 2553622)
- Council Policy - Councillor Code of Conduct (DocSetID 2248532)
- Council Policy - Glenelg Shire Council International Relationships (DocSetID 898292)
- Council Policy – Election Period Policy (DocSetID 2076084)
- Council Policy – Council Advisory Committee Policy (DocSetID 1849027)
- Glenelg Shire Councillor and Member of a Delegated Committee Expense Claim Form (DocSetID: 2624449)
- Glenelg Shire Councillor and member of Delegated Committee Motor Vehicle Log Book & Claim Form (DocSetID: 2624450)

The Overarching Governance Principles and Supporting Principle, Section 9 of the *Local Government Act 2020* were considered in the development of this Policy.

## 2. Purpose

This Policy supports Councillors and members of Delegated Committees to perform their role, as defined under the *Local Government Act 2020*, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:

- Entitlements;
- Processes for Reimbursement; and
- Reporting requirements.

### 3. Scope

This policy applies to:

- Councillors of the Glenelg Shire Council; and
- Members of delegated committees of the Glenelg Shire Council.

Councillor duties are those performed by a councillor as a necessary part of their role, in achieving the objectives of council.

These duties may include (but are not limited to):

- Attendance at meetings of Council and its Committees;
- Attendance at Briefing Sessions, Workshops, Civic Events or functions convened by Council;
- Attendance at conferences, workshops and training programs related to the role of councillor, Mayor or Deputy Mayor;
- Attendance at meetings, events or functions representing Council; and
- Duties in relation to constituents concerning council business.

Members of delegated committees exercise powers of councillors, under delegation. This policy also applies to those members in the course of undertaking their role as delegated committee members.

Delegated Committees are defined under section 63 of the *Local Government Act 2020*.

### 4. Council Policy

Councillors and members of delegated committees are entitled, under section 40 of the *Local Government Act 2020* (the Act), to reimbursement of expenses reasonably incurred in the performance of their duties.

This policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the council.

Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that are:

- bona fide expenses and
- have been reasonably incurred in the performance of the role of councillor and
- are reasonably necessary for the councillor and member of a Delegated Committee to perform this role.

## 4.1 Reimbursement of Expenses

Regulation 14 (db) of the *Local Government (Planning and Reporting) Regulations 2014* requires that expenses, including reimbursements of expenses, for each Councillor and member of a Council Committee paid by the Council are to be categorised separately as:

- Travel expenses;
- Car mileage expenses;
- Childcare expenses;
- Information and communication technology expenses; and
- Conference and training expenses.

Under Section 41(2)(d) of the *Local Government Act 2020*, Council must have particular regard to expenses incurred by a Councillor who is a **carer** in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*. This is a new requirement under the *Local Government Act 2020*, therefore is not addressed in Regulation 14 (db) of the *Local Government (Planning and Reporting) Regulations 2014*.

- All claims for expenses shall be made by completing the Glenelg Shire Councillor and member of a Delegated Committee Expense Claim Form and Glenelg Shire Councillor and member of a Delegated Committee Motor Vehicle Log Book and Claim Form. Claims are to be submitted within 30 days of the expenditure being incurred. Where a claim is not submitted within 60 days of the expense being incurred, the claim will not be reimbursed.
- Where possible all expenditure incurred should be claimed prior to 30 June.
- Documentation is required to provide evidence of the expense, ie tax invoice or receipt. Where the provider of the goods or service is registered for GST, a tax invoice must be obtained and provided (without this the GST component of the cost cannot be reimbursed).

EFTPOS slips are not a satisfactory form of evidence to support a reimbursement. Original receipts must be attached for all claims. Claims without the relevant documentation will not be processed. If a Councillor or member of a Delegated Committee loses a tax invoice or receipt, then a Statutory Declaration will be required for reimbursement.

- The business purpose for each expense is required to be identified on the Glenelg Shire Councillor and member of a Delegated Committee Expense Claim Form and Glenelg Shire Councillor and member of a Delegated Committee Motor Vehicle Log Book and Claim Form. A claim without the required business purpose will not be processed.
- All beneficiaries of each expense, excluding the claimant, are required to be identified on the Glenelg Shire Councillor and member of a Delegated Committee Expense Claim Form.

- The Chief Executive Officer (CEO) is responsible for approving Councillor and members of a Delegated Committee expense claims.
- Expenses shall be paid in arrears, unless otherwise authorised.
- Councillor and members of a Delegated Committee expenditure is reported on a quarterly basis to the Ordinary Council Meeting and Council's Audit and Risk Committee.

The report will include:

- expenses incurred by councillors during the quarter; and
- reimbursement claims made by councillors during the quarter.

## 4.2 Travel

Councillors and members of a Delegated Committee may claim for travelling expenses incurred in the following circumstances:

- To attend Council Meetings, Delegated Committee Meetings, Councillor Workshops; Councillor Briefing Sessions and meetings of Council appointed Committees;
- To attend Civic and Mayoral Receptions;
- To attend meetings of community groups, organisations and statutory authorities to which a Councillor or member of a Delegated Committee has been appointed or invited through Council as a Council delegate or Council representative;
- To attend site inspections or meetings or participation in delegations or deputations to which a Councillor or member of a Delegated Committee has been duly appointed as a representative of Council;
- To attend training, seminars and conferences approved by the Mayor in consultation with the CEO;
- Any other meeting which the Councillor or member of a Delegated Committee is authorised by the Mayor or Council to attend as part of performing their role as a Councillor.
- If an invitation is received from a Political Party for a fundraising event, Council will not provide any form of financial support as this may be seen as potentially compromising a Councillor's impartiality.
- All claimable travel should appear in the Councillors Calendar, administered through the Council Support Coordinator.

- When Councillors or members of a Delegated Committee are travelling within Victoria or interstate the most cost effective form of transport must be used unless prior approval is obtained.
- All travel arrangements are to be organised through the Council Support Coordinator.
- Travel by aircraft will be made based on the cost of an economy class ticket. Travel must be undertaken by the shortest practical route.
- If travelling Councillors or members of a Delegated Committee are required to attend early morning or late night meetings, then accommodation can be arranged on request, to be approved by CEO.
- Tolls, public transport and parking directly related to the approved business purpose will be reimbursed upon production of the required documentation.
- Parking fees will be reimbursed on the basis of original receipts with the time of the meeting or function detailed in the business purpose. The most value for money parking option should be used within reason.
- Motor vehicle travel expenses will be paid to Councillors and members of a Delegated Committee in accordance with the Australian Taxation Office (ATO) travel rates.
- Councillors or members of a Delegated Committee will be required to maintain a separate vehicle log book (provided by Council) for each vehicle where travel is claimed. The log book should identify the vehicle registration number, make and model. The logbook entries should be completed fully with a clear description of the business purpose.
- Travel claims will not be paid without completion of the Glenelg Shire Councillor and member of a Delegated Committee Motor Vehicle Log Book & Claim Form.
- Fines and infringements incurred by Councillors or members of a Delegated Committee whilst using private or Council motor vehicles will not be borne by Council. Councillors will be responsible for the payment of their own fines and infringements.
- Council pool vehicles are available to Councillors or members of a Delegated Committee by request through the Council Support Coordinator. Reasonable notice should be given to allow for the booking process and availability.

#### **4.2.1 Remote Travel Allowance**

- A remote travel allowance provides compensation for the time spent on long distances travelled by Councillors and members of a Delegated Committee in remote areas.
- If a Councillor (including the Mayor) or member of a Delegated Committee normally resides more than 50 kilometres, by the shortest practicable road distance from the location or locations specified for the conduct of Council Meetings, Delegated Committee Meetings, Councillor Workshops, Council appointed Committee Meetings or any civic or community functions which have been authorised by the Mayor for the Councillor to attend, or in the case of the Mayor, the CEO, then he or she will be paid an additional allowance of \$40 in respect of each day on which one or more meetings or authorised functions are actually attended by the Councillor or member of a Delegated Committee, up to a maximum of \$5,000 per annum.

#### **4.2.2 Taxi/Rideshare costs**

- Taxi vouchers are available to Councillors or members of a Delegated Committee on request to pay for taxi services incurred under the provisions of this policy.

Receipts must be obtained from the taxi driver and provided to the Council Support Coordinator as soon as practicable after the expenditure is incurred to enable the monthly reconciliation of the Cab charge account.

- Councillors and members of a Delegated Committee will be required to complete and return a Cab charge Request Form, together with a receipt obtained from the taxi driver and provided to the Council Support Coordinator as soon as practicable after the expenditure is incurred to enable the monthly reconciliation of the Cab charge account.
- The Cab charge Request Form must be fully completed which must clearly identify each expense and business purpose.
- If an alternative rideshare is utilised then a receipt must also be obtained and provided to the Councillor Support Coordinator as soon as practicable after the expenditure is incurred.
- Where a receipt is not provided a Statutory Declaration is required to be provided by the Councillor or member of a Delegated Committee.
- Where a Councillor or member of a Delegated Committee has not provided the required documentation and claim form the Councillor or member of a Delegated Committee will be responsible for any costs incurred by Council.

### 4.2.3 Councillor Travel Register

- Regulation 12 of the *Local Government (General) Regulations 2015* requires the maintenance of a register available for public inspection containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken by Councillors in the previous 12 month period.
- Councillors and members of a Delegated Committee must ensure that information of all travel expenses are provided within seven days of return from the interstate or overseas trip to enable travel details to be registered promptly.

### 4.3 Meals and Refreshments

- Where meetings of Council or associated Committee Meetings are held at times which extend through normal meal times, the Council will provide suitable meals and refreshments served on the premises. Councillors or members of a Delegated Committee will be notified of meal arrangements for each meeting.
- No alcohol will be provided at Council's expense for meetings of Council or associated Committee Meetings. Exceptions will be considered for specific events in consultation with the CEO and the Mayor. The approval process will include documented justification for the event and community benefit.
- Where a Councillor or member of a Delegated Committee is required to travel for Council business purposes outlined in clause 4.2 and the travel extends through normal meals times, Councillors will be entitled to be reimbursed for reasonable meal expenses, excluding alcohol, where a meal is not provided.

### 4.4 Conferences, Seminars and Training

- Under Section 32 of the *Local Government Act 2020* a Councillor must complete Councillor Induction training within 6 months after the day the Councillor takes the oath affirmation of office.
- The Glenelg Shire has a proactive approach to professional development. Councillors are encouraged to participate in conferences, seminars and training that will support their professional development during the term of office to undertake their role as a Councillor.
- Councillors will be given the opportunity of attending conferences, seminars and training programs.

The selection of a conference, seminar or training should be based on its relevance to the role and development of the Councillor.



- The Mayor in consultation with the CEO is responsible for approving Councillor requests to attend conferences, seminars and training and the CEO is responsible for approving the Mayor's requests to attend conferences, seminars and training, via the Conference Application Form, prior to the conference, seminar or training occurring.
- Reasonable expenses including transport, accommodation, registration fees and meals relating to the conference, seminar or training will be paid by Council.
- Arrangements must be made via the Council Support Coordinator.
- Where the Mayor or Councillor is representing Council at a conference or seminar where overnight accommodation is required, Council will meet all reasonable costs necessary for accommodation, based on charges for one room (either single, twin share or double) including meals and incidental expenses, such as car parking, in a venue of suitable standard in close proximity to the meeting/conference venue for the duration of the conference.
- Alcohol and minibar expenses will not be reimbursed.
- To maximise the benefit derived from attending conferences, seminars and training, the Mayor or Councillor is to complete an 'Information Sharing Process – Councillor Attendance at Conferences, Seminars and Training' form on the outcomes of the conference, seminar or training, unless the seminar was attended by the majority of Councillors. The report is to be provided within one month of attendance and will be circulated via a Councillor Update. Forms are available from the Council Support Coordinator.

#### **4.5 Payment of expenses for partners and accompanying persons**

- Where the business of Council includes an invitation to a Councillor and Councillor's partner or accompanying person, Council will meet all reasonable costs associated with the partner or accompanying person, to be approved by the CEO.
- If the Mayor deputises a Councillor to attend a function on his/her behalf, the same arrangements that apply to the Mayor's partner or accompanying person will also apply to the Councillor's partner or accompanying person.
- In circumstances where an invitation is not extended to a Councillor's partner or accompanying person, that partner or accompanying person may accompany the Councillor on the business of Council, at the expense of the Councillor.
- Limited expenses of partners and accompanying persons associated with attendance at the annual MAV Conference will be met by Council. These expenses will be limited to the cost of the official conference dinner.

- Travel expenses, any additional accommodation expenses and the cost of partner/accompanying person tours etc will be the personal responsibility of individual Councillors.

\* Note – travel expenses will be covered for partners and accompanying persons whereby the Councillor is eligible for a Councillor Service Award or Mayor Emeritus Award presented at the MAV Annual Dinner.

- An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.
- Partner and accompanying person expenses must be within the State, unless authorised by the Mayor in consultation with the CEO.

#### 4.6 Carer and dependent-related Expenses

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a councillor or member of a delegated committee to perform their role S41(2)(c).

This applies to the care of a dependent, while the councillor or delegated committee member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a councillor or delegated committee member who is a carer incurs reasonable expenses in the performance of their duties S41(2)(d). A carer is defined under section 4 of the *Carers Recognition Act 2012*, as follows:

Section 4 Meaning of care relationship:

- (1) For the purposes of this Act, a person is in a care relationship if he or she provides another person, or receives from another person, care because one of the persons in the relationship—
  - (a) has a disability; or
  - (b) is older; or
  - (c) has a mental illness; or
  - (d) has an ongoing medical condition (including a terminal or chronic illness or dementia).
- (2) Despite subsection (1), the following relationships are also care relationships for the purposes of this Act—
  - (a) a relationship where an individual has custody and guardianship of a child under a permanent care order made under Part 4.10 of the *Children, Youth and Families Act 2005*; and

- (b) a relationship where a child is placed with an individual who provides care to that child under a child care agreement made under Part 3.5 of the *Children, Youth and Families Act 2005*; and
  - (c) a relationship where a child is placed with an individual who provides care to that child under a protection order made under Part 4.9 of the *Children, Youth and Families Act 2005*.
- (3) For the purposes of this Act, a person is not in a care relationship with another person merely because he or she—
- (a) is the spouse, or the domestic partner within the meaning of the *Children, Youth and Families Act 2005*, of the other person; or
  - (b) is the parent, child or other relative of the other person; or
  - (c) lives with the other person.
- (4) Despite anything to the contrary in this section, a person is not in a care relationship for the purposes of this Act if he or she provides care to another person—
- (a) under a contract of service or a contract for the provision of services; or
  - (b) under an employment contract; or
  - (c) in the course of doing voluntary work for a community organisation; or
  - (d) as part of the requirements of an education course or training.
- (5) A person described in subsection (1) or (2) may be in a care relationship even if the person receives funding from either the Commonwealth or State Government in relation to carrying out the role of a carer.

Payments for carer and childcare services will not be made to a person who resides with the Councillor or member of a Delegated Committee; 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.

#### **4.7 International Visits & Exchanges**

Any international travel will be at the Councillor or Member of a Delegated Committee's personal expense.

#### **4.8 Provision of Resources and facilities**

Section 42 of the *Local Government Act 2020* Resources and facilities for the Mayor and Councillors, ensures that the Mayor and Councillors have available to them the tools, services and facilities necessary to undertake their roles.

- Laptop/tablet (configured);

- Mobile Phone (configured);
- Multifunction printer device (including printer cartridges);
- Telecommunication link (if broadband service is not available);
- Stationery;
- Councillor business cards;
- Corporate name badge; and
- Hard copy diaries (upon request).

All information technology devices and office supplies are to be used for Council business purposes only.

The CEO will discuss any excessive costs with the relevant Councillor.

All information technology support requests must be lodged with the Council Support Coordinator. Council will not support any non-Council devices or own internet.

The Mayor and Councillors will be supplied with an email address in the form of first Councillorname.Councillorsurname@glenelg.vic.gov.au

As defined in S2 of the *Public Records Act*, Councillors are not public officers, as they are not a 'person employed in a public office', consequently the records that Councillors send or receive are not public records (regardless of content), unless the communication is received by a Council Officer, it then becomes a public record.

At the end of a Council term, or when ceasing to become a Councillor all information technology equipment and office supplies must be returned to the Glenelg Shire at a specified date.

Reimbursements for any item purchased by the Mayor or Councillors will only be made if prior approval has been obtained and acceptable documentation provided to substantiate the claim.

#### **4.9 Mayoral motor vehicle**

- A fully serviced and maintained Glenelg Shire motor vehicle will be provided for the Mayor's Council and private use for the Mayoral term of office except for periods of leave that involve a Deputy Mayor or Acting Mayor. The Mayoral motor vehicle must be made available to the Deputy Mayor or Acting Mayor for all periods of leave taken by the Mayor

The motor vehicle standard will be specified and replaced in accordance with the Glenelg Shire Council Light Fleet Procurement Guidelines and Usage as amended from time to time.

- The Mayor's motor vehicle can be driven by a licensed driver subject to the prior approval of the Mayor.
- At the end of a Council term the Mayor's vehicle must be returned to the Glenelg Shire at a specified date and time. The Mayoral vehicle during the 'Election Period' will not be used for any activity related to the electioneering of any candidate.

#### **4.10 Administrative support services**

- The Mayor and Councillors have access to administrative support via the Council Support Coordinator.
- This position provides support to the Mayor and Councillors in delivering a coordinated service and approach ensuring alignment with local government expectations.
- Support services include: providing advice to the Mayor and Councillors; collating the daily Councillor updates; Mayor and Councillors' Calendar; reimbursement of expenses; issuing and receiving invitations; drafting correspondence; drafting and coordinating speech and meeting notes and arranging travel, conferences, meetings and accommodation.
- The Council Support Coordinator coordinates the exchange of information between Councillors and Council staff and external organisations.
- The Council Support Coordinator is not available to undertake any work that is not related to official Council duties such as work for other community organisations, or a Councillor's private or business interests.
- To enable a high level of administrative service Councillors can assist by responding promptly to invitations, messages, requests and providing as much notice as possible for support services.
- The Council Support Coordinator reports directly to the CEO and is responsible to the CEO for all duties undertaken in the role of Council Support Coordinator.

#### **4.11 Insurance**

- Council will maintain on behalf of the organisation a range of insurance policies to provide protection for Councillors and members of a Delegated Committee whilst undertaking their duties as an elected representative including attendance at meetings of external organisations as a Council representative including but limited to:
  - Public liability insurance;
  - Professional indemnity insurance;

- Councillors and Officers' liability;
- Personal accident;
- Comprehensive motor vehicle insurance (Council owned vehicles only);
- Employment practices insurance; and
- Statutory Liability Insurance.

#### **4.12 Goods and Services Tax**

- Federal government goods and services tax (GST) is payable on most items that the Glenelg Shire procures from suppliers.
- A tax invoice from the supplier should be obtained to enable the Glenelg Shire to claim the tax credits. Therefore, Councillors and members of a Delegated Committee should obtain and provide tax invoices for any purchase or payment in excess of \$82.50.

#### **4.13 Taxation implications**

- Mayoral and Councillor Allowances, payments and reimbursements may have federal government taxation implications.
- Personal taxation is the responsibility of each Councillor and Councillors should consider seeking professional taxation advice and implementing a process for documenting items that may be claimable.

#### **4.14 Exclusions**

- Any expense resulting from a breach of road, traffic, parking or other regulations or laws, including Council local laws, will not be reimbursed or funded by the Glenelg Shire.
- If a Councillor or member or member of a Delegated Committee chooses not to claim a particular expense, this cannot be offset against a claim for any additional amount associated with another expense.
- Claims for reimbursements or payments other than specified in this Policy will not be made except in exceptional circumstances and only after approval by the CEO or via a Council resolution.

#### **4.15 Method of payment**

- Approved reimbursements and payments will only be made via the Glenelg Shire accounts payable (creditors) system with the payment electronically deposited to the claimant Councillor or member of a Delegated Committee's nominated account with a financial institution.

- No payments will be made via the Glenelg Shire petty cash process.

#### **4.16. Approval and reporting of expenses for Councillors and members of a Delegated Committee**

- To ensure transparency and accountability in the payment and reimbursement of expenses to Councillors and members of a Delegated Committee, a summary report showing totals for each specific category of payments and reimbursements to the Councillors and members shall be presented on a quarterly basis to the Ordinary Council Meeting and the Audit and Risk Committee. The expenses will also be made available on Council's website.
- The Annual Report shall include the amount paid or attributed to a Councillor or member of a Delegated Committee and include (but are not limited to) allowances, car mileage, conferences/training, information and communication, travel and carer and dependent expenses.
- This enables the Councillors and members of a Delegated Committee to monitor that all payments and reimbursements are being made in accordance with this Policy and relevant legislation.

#### **5. Victorian State Legislation Copyright Acknowledgement**

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