

6.3.2 Councillor Expenses Policy

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Recommendation(s)

That Council adopt the amended Councillor Expenses Policy

Attachments

1. Councillor Expenses Policy for adoption [6.3.2.1 - 9 pages]

Executive Summary

To consider a review of the Councillor Expenses Policy and to adopt the amended Policy

Background

The Councillor Expenses Policy was last reviewed by the Council in July 2020 and a new Policy was adopted at the August 2020 Council Meeting. This was one of the requirements of the 2020 Local Government Act.

The Policy in place prior to August 2020 was the 'Councillor Expenses and Entitlements Policy' and it was this policy that was in place when the travel expenses subject to the audit undertaken by Justicia Lawyers were lodged and it was that Policy that was referred to in the Justicia Lawyers report.

The Council resolution in December last year in relation to the audit amongst other matters resolved to:

'Review the Councillor Expenses Policy and Councillor claim forms, taking into consideration the information and findings provided in the Justitia Report.'

The review of the Policy undertaken last year introduced some amendments and improvements to the previous Policy which were raised in the Justitia report and it is considered that the changes made address some of the deficiencies in the previous 'Councillor Expenses and Entitlements Policy'.

These improvements included:

- Where travel is undertaken using public transport, taxi or ride sharing company such as 'Uber' the cost of this travel can also be claimed.
- All travel claims will be taken to have commenced from the Councillor home. However if the travel commences from an alternate location (such as a councillor workplace) the distance that is entitled to be claimed shall be the lesser distance.
- Quarterly reporting of all councillor expenses being provided to council, and the council's Audit and Risk Committee.
- Improvements to the travel and Out of Pocket Expenses Claim forms to include:

Travel claim

- Reason for travel
- Other parties attending

Out or pocket claim

- Why expense incurred

- Expense type, eg city link fee, child care, carparking
- Include note – no receipt no payment
- Include note - If details are incomplete no payment will be made

Having considered the current Policy it is suggested that further improvements can be made to further enhance the Policy.

The suggested amendments are:

- In the clause relating to the Mayoral Vehicle include that the use of the Mayoral Vehicle will be in accordance with the provisions contained within the Motor Vehicle Policy as amended time to time, include the 'notional value of the Mayoral Vehicle will be \$15,000 per annum and recognise if the Mayor of the day decides not to use the Mayoral Vehicle, a motor vehicle allowance of \$15,000 will be paid.
- Include a provision stating that where a travel claim is made to attend meetings of a group, organisation or statutory authority to which the Councillor has been appointed Council delegate the reimbursement by Council is to be diminished by however much the body pays travelling or other expenses directly
- Include a requirement in the Travel Expenses claim for to specify an actual address for the destination or locality of the travel claim.

Additionally, it is considered that the section of the Policy concerning 'Professional Development; Clause 3.5 can be improved to provide some flexibility for Councillors to access the training budget funds provided annually in the budget.

These suggested amendments will allow a Councillor to 'roll over' unexpended funds in the Councillor training budget from one year to another and provides for a councillor to seek approval to spend in excess of a years training allocation (currently \$3000) on one personal development activity after receiving approval from the Mayor and provided sufficient funds are available within the budget. Additionally Councillors will be asked to prepare a professional development plan for their term of office.

Policy Implications

The purpose of the Councillor Expenses Policy is to support councillors 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
- reporting requirements.

The policy is intended to ensure that councillors are supported to perform their duties without disadvantage.

Relevance to Council Plan

5.3 Our Governance - Long-term financial sustainability

5.3.3 Manage the municipality's finances and assets in a responsible way.

Climate Emergency Consideration

Nil.

Consultation/Communication

No external consultation has been undertaken on this matter

Financial and Resource Implications

There are no financial or resource implications associated with this review of the Councillor Expenses Policy

Conclusion

A regular review of all Council Policies is considered best practice and it is timely that a review of the Councillor Expenses Policy is undertaken particularly considering the recommendation contained with the recent Justicia Lawyers Audit Report.



Cardinia

Councillor Expenses Policy

HPRM number	65-55-1		
Policy owner	Governance		
Adopted by	Council		
Adoption date	17/08/2020	Scheduled review date:	17/08/2024
Revisions	15/03/2021		
Publication	CardiNet and website		
Revision/version number	2		

1 Purpose

This policy supports councillors 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
- reporting requirements.

The policy is intended to ensure that councillors are supported to perform their duties without disadvantage.

2 Scope

This policy applies to all councillors whilst undertaking duties required of them 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
- duties in relation to constituents concerning council business.

3 Policy description

Councillors 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 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 to perform this role.

3.1 Travel expenses

Where councillors use their private vehicle to undertake their duties they will be entitled to claim travel expenses and this will be paid at the rate set in the Council's Enterprise Bargaining Agreement.

Where travel is undertaken using public transport, taxi or ride sharing company such as 'Uber' the cost of this travel can also be claimed.

When a claim is being made for attending a resident's home or at a specific location an address or photo is required to be included in the claim lodged and what actions resulted from this visit.

Travel must be undertaken as quickly as possible and by the shortest route possible.

All travel claims will be taken to have commenced from the Councillor home. However if the travel commences from an alternate location (such as a councillor workplace) the distance that is entitled to be claimed shall be the lesser distance.

Where travel is by flight the standard form of travel will be economy class.

Where travel is being claimed to attend meetings of a group, organisation or statutory authority to which the Councillor has been appointed Council delegate, the reimbursement by Council is to be diminished by however much the body pays travelling or out of pocket expenses directly.

3.2 Mayoral vehicle

In addition to the Mayoral allowance the Mayor of the day will be provided with a fully maintained vehicle for his/her use to assist in performing their duties during their term of Office together with a fuel card. The use of the vehicle will be in accordance with the Motor Vehicle Usage Policy as amended from time to time.

The 'notional value' of the Mayoral vehicle is \$15,000 per annum

If the Mayor of the day decides not to use the Mayoral Vehicle, Council will pay a motor vehicle allowance of \$15,000.00 per annum. This is a taxable allowance that will be paid to you in monthly instalments. This allowance does not attract superannuation. There will be no entitlements to claim reimbursement for kilometres travelled or petrol allowance as these costs are taken into consideration as part of your motor vehicle allowance. The individual components of the allowance may be varied by the Council due to:

- a) any change in the cost to the Council of the provision of motor vehicle entitlements for the use
- b) any change in the cost to the Council of all fringe benefits taxes levied on part of the Allowance Package, or
- c) any other legislative change

3.3 Conferences and Seminars

Councillors appointed by Council to attend conferences and seminars shall have all reasonable expenses for travelling, transport, accommodations, registration fees and meals relating to the conference / seminar paid by Council. Attendance at any seminar, conference or civic function by a Councillor's spouse / partner shall be at the expense of the Councillor except where prior approval has been given by Council or the Chief Executive Officer in consultation with the Mayor; and attendance by a Councillor's spouse / partner is considered to be necessary or appropriate.

Councillors are entitled to have paid by Council, or reimbursed, the reasonable costs and expenses of their spouse or partner attending functions held by Council; or functions held by other Victorian municipalities where there is an agreed expectation of partners attending, i.e. spouse / partner of the Councillor is specified on the invitation.

If a Councillor accepts an invitation to attend a function where this is a cost to the Council and the Councillors does not attend the function the Councillor will be required to reimburse the cost associated.

3.4 Carer and dependent-related expenses

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a councillor to perform their role (s 41(2)(c)).

This applies to the care of a dependent, while the councillor 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 is a carer (see Glossary of terms) incurs reasonable expenses in the performance of their duties (s 41(2)(d)).

Payments for carer and childcare services will not be made to a person who resides with the councillor; has any financial or pecuniary interest with the councillor; or has a relationship with the councillor, or their partner.

3.5 Professional Development

3.5.1 To provide support to Councillors for upgrading their skills during their term of office an amount of \$3,000 will be provided annually in Council budgets. This allocation may be expended by Councillors, but must firstly submit to the Chief Executive Officer details of the proposed expenditure including:

- Course proposed
- Estimate of Costs
- Purpose of attendance

3.5.2 Programs that qualify for expenditure under this program include:-

- Seminars, conferences
- Undergraduate and post graduate studies
- Short courses
- Study tours

Provided that these relate to the areas of local government activity, leadership or governance in the context of the role of councillor, or enhance the personal skills of the individual to undertake the role

3.5.3 Where any such program involves overseas travel a Council resolution will be required.

~~Where a councillor forecasts expenditure beyond the allowance provided, additional funds may be provided by resolution of Council.~~

3.5.4 Unused funds allocated for a Councillor's personal development may only be rolled over from one year to the next during the Councillor's term of office. Funds rolled over

will be up to the cumulative total due in the year but not exceeding the amount of \$12,000 in the fourth year. (That is, \$3,000 for year one, up to \$6,000 in year two, up to \$9,000 in year 3 and \$12,000 in year 4).

- 3.5.5 The allocation to a Councillor is not transferable to another Councillor.
- 3.5.6 The allocation to a Councillor ends when the Councillor's term of office ends and any balance does not roll over if the Councillor is re-elected.
- 3.5.7 If a Councillor wishes to spend more than one year's allocation (\$3000) on one personal development activity, he or she must first seek approval of the Mayor. Approval is subject to availability within the Council Budget for that financial year
- 3.5.8 A Councillor is entitled to a maximum of \$12,000 over the four-year term in office
- 3.5.9 If Council pays the fees in advance and, for any reason the Councillor does not complete the professional development the Councillor must reimburse the Council to the full extent
- 3.5.10 Councillors will prepare a professional development plan for their term in office so that an indication of forthcoming training and development activities is available.

4 Procedure

4.1 Making a claim for reimbursement

- All claims must be made on the approved expense reimbursement form attached to this policy. Original receipts must be attached for all claims (credit card receipts will not be accepted)
- 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)
- Claims are to be submitted to the Manager Governance at a frequency convenient to the Councillor, these claims must be lodged at a minimum of monthly and a maximum of quarterly.
- Reimbursements will be provided by electronic funds transfer.

5 Monitoring evaluation and review

A summary of councillor expenses will be made available on Council's website and this information will be updated monthly or as claims are processed.

Quarterly reports of all councillor expenses will be provided to council, and the council's Audit and Risk Committee.

The report will include:

- expenses incurred by councillors during the quarter
- reimbursement claims made by councillors during the quarter

Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.

A period review of the policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

6 Related documents

Council policies:

- Governance rules
- Public transparency policy
- Information privacy policy

Legislation:

- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*
- *Gender Equity Bill 2020*

7 Glossary of terms

Carer: A carer is defined under section 4 of the *Carers Recognition Act 2012*

CLAIM FOR TRAVEL EXPENSES

Councillor: _____

Date of Claim: ___ / ___ / ___

Vehicle Type (please appropriate box):

More than 4 cylinders or 35 power mass units (pmu) and over (113.346 ¢ per km)

4 cylinders & less or less than 35 power mass units (pmu) (93.414 ¢ per km)

Councillors are entitled to claim for use of their private vehicle to undertake their duties, in accordance with this Policy.

PARTICULARS OF CLAIM

Date	Reason	Other parties attended	Action Taken	Destination or locality Actual address	Distance travelled – return journey
				TOTAL:	

I certify that these e expenses have been incurred in accordance with the Councillor Expenses Policy

Signature of Councillor

Approved by Manager Governance

*** Payment will only be made when all details are completed**

FINANCE USE ONLY
Supplier No. _____
Ledger No. 1-00260-2033
_____ kms @ _____ c per km
= \$ _____ NO GST

CLAIM FOR “OUT OF POCKET” EXPENSES

Councillor: _____

Date of Claim: ___/___/___

- Claims for parking expenses must include details of what function was being attended and how long the period of parking was for.
- Claims for City Link fee reimbursement must include details of what function was being attended
- Claims for stationery must include details of what the individual items are and why they were necessary.
- Original receipts must be attached for all claims, credit card receipts will not be accepted
- If details are incomplete payment will not be authorised

PARTICULARS OF CLAIM

DATE	EXPENSES TYPE	REASON FOR EXPENSE	AMOUNT
TOTAL:			

I certify that these expenses have been incurred in accordance with the Councillor Expenses Policy

Signature of Councillor

Approved by Manager Governance

FINANCE USE ONLY
Supplier No. _____
Ledger No. 1-00260-2033
\$ _____ NO GST