

6.3 Policy Reports

6.3.1 Councillor Expenses Policy

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Recommendation(s)

That Council amend the Councillor Expenses Policy to provide further clarification regarding the Mayoral vehicle usage as detailed in this report and clause 3.2 be amended to read as follows:

3.2 Mayoral Vehicle

In addition to the Mayoral allowance a motor vehicle will be provided to the Mayor for Council purposes and private use in Victoria.

The vehicle will not be driven outside Victoria without a written request to and approval from the Chief Executive Officer for each trip. The vehicle can be used by the Mayor and members of the Mayor's immediate family who hold a valid driver's licence.

The Mayoral vehicle may also be driven by the Deputy Mayor or Councillors with written approval of the CEO. The Mayor is not required to complete a logbook as fringe benefits tax is not payable in respect of the vehicle use by the Mayor.

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 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 the 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

Attachments

1. Council Expenses Policy amended March 2021 [E45V] [6.3.1.1 - 9 pages]

Executive Summary

A review has been undertaken to the Councillor Expenses Policy, specifically in relation to the use of the Mayor Vehicle. This report suggests that Council amend the Councillor Expenses Policy to provide further clarification regarding the vehicle and its usage.

Background

The current Councillor Expenses Policy was adopted in March 2021, since this time it has been recognised that Clause 3.2, which relates to the use of the Mayor Vehicle, could be further expanded to provide clarity and directions.

The current clause, Clause 3.2, in part states:

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.

Although it has always been accepted practice that the above clause allows for 'private use' of the vehicle, the policy does not specifically mention this use.

In reviewing the policy, benchmarking was taken from other Council's regarding allocation and use of a Mayoral vehicle, responses detailed below.

Municipality	Policy wording	Requirement for Logbook
Mornington Peninsular Shire	A leased motor vehicle will be provided to the Mayor for Council purposes and private use in Victoria. The vehicle will not be driven outside Victoria without a written request to and approval from the Chief Executive Officer for each trip. The vehicle can be used by the Mayor and members of the Mayor's immediate family who hold a valid driver's licence. The Mayor is not required to complete a logbook as fringe benefits tax is not payable in respect of the vehicle use by the Mayor.	No requirement for a logbook
Casey City Council	A mayoral vehicle is provided for Council purposes and for the personal use of the Mayor.	No requirement for a logbook
City of Monash	No policy in place however when Council resolves on the level of Councillor allowances the following resolution is also included: That a fully-maintained Council vehicle be provided for the Mayor's use during their term of office as Mayor. Although not explicit in the motion full private use of the vehicle is allowed.	No requirement for a logbook
Knox City Council	A fully maintained motor vehicle will be made available to the Mayor for the duration of their term, including for reasonable personal use.	No requirement for a logbook
City of Greater Dandenong	Council will provide, at its expense, a fully registered, insured, maintained and fuelled vehicle for use by the Mayor for official duties and for private use. Unless approved by Council, the mayoral vehicle shall be driven by the Mayor or by the Mayor's spouse/family member, a Councillor or a council	No requirement for a logbook

	officer on the Mayor's behalf while the Mayor is in the vehicle.	
Frankston City Council	A mayoral vehicle is provided, which may be used by the Mayor for both official Council duties and private use The mayoral vehicle may be driven by the Mayor; the Mayor's partner; or a Councillor or Council officer on the Mayor's behalf.	No requirement for a logbook
Kingston City Council	A fully maintained vehicle will be provided to the Mayor to assist carrying out duties during the Mayoral term Private use of the vehicle is permitted but this is not explicitly mentioned in the policy.	No requirement for a logbook

It is clear from the above benchmarking that private use of a vehicle for the mayoral term is consistent across Councils. In addition, there is no requirement for a logbook to be maintained.

To provide clarity for Councillors and the community, it is proposed to amend Cardinia Shire Councils, Councillor Expenses Policy to the below wording:

3.2 Mayoral Vehicle

In addition to the Mayoral allowance a motor vehicle will be provided to the Mayor for Council purposes and private use in Victoria.

The vehicle will not be driven outside Victoria without a written request to and approval from the Chief Executive Officer for each trip. The vehicle can be used by the Mayor and members of the Mayor's immediate family who hold a valid driver's licence.

The Mayoral vehicle may also be driven by the Deputy Mayor or Councillors with written approval of the CEO. The Mayor is not required to complete a logbook as fringe benefits tax is not payable in respect of the vehicle use by the Mayor.

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reimbursement for kilometres travelled or petrol allowance as these costs are taken into consideration as part of the 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

It is maintained that the amendment to the above wording will remove any ambiguity in the current Policy.

Policy Implications

Council has adopted the Councillor Expenses Policy

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

Climate Emergency Consideration

There is no climate emergency consideration as part of this proposal

Consultation/Communication

As per the Local Government Act 2022, there is no requirement for community engagement regarding the expenses policy.

Financial and Resource Implications

As the cost of the mayoral vehicle is already included in the budget there are no additional financial implications in amending this policy.

Conclusion

It is recommended that Councillor Expenses Policy be amended as per this report to remove any ambiguity regarding provision and private use of the Mayoral Vehicle.



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.

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- 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