

## 6.2.3 Outcome of Review of Expense Claims

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

### Recommendation(s)

That Council:

1. Note that the Local Government Inspectorate following assessment of a number of expense claims submitted by Cr Collin Ross have concluded that there is insufficient evidence of a breach of the Local Government Act 189 or Crimes Act 1958.
2. Consider the recommended amendments to the 'Claim for Travel Expenses' form contained within the Councillor Expenses Policy as recommended by the Inspectorate at a future meeting

### Attachments

1. Complaint Outcome Cardinia 12 January 2022 [6.2.3.1 - 2 pages]

### Executive Summary

To advise of the outcome of the Local Government Inspectorate's investigations into Travel Expense Claims lodged by Cr Collin Ross.

### Background

Council previously resolved in August 2020 to undertake an Audit into Travel Expense Claims lodged by Cr Collin Ross and subsequently resolved in December 2020 to refer the matter to the Local Government Inspectorate. The Inspectorate have concluded the investigation, with the outcome being *'the Inspectorate concluded that there is insufficient evidence of a breach of the Local Government Act 1989 and Crimes Act 1958'*. A copy of their response is attached.

In the response the Inspectorate identified improvements that could be made to the Council's 'Claim for Travel Expenses' form included in the Councillor Expenses Policy.

The Inspectorate has made the following recommendations which are aimed at minimising ambiguity with respect to councillors' expense claims:

1. Council's 'Claim for Travel Expenses' form, part of its 'Councillor Expenses Policy', is amended to include:
  - i. a requirement that Councillors clearly stipulate how the expense was incurred while performing their duties as a Councillor;
  - ii. a requirement that Councillors include logbook entries or records of odometer readings at the start and end of the journey;
  - iii. a requirement that Councillors include the start and finish time of the journey; and
  - iv. a requirement that Councillors include the starting location of the journey

## **Policy Implications**

It is suggested that the Council considers the amendments to the Travel Expenses Claim form included in the Councillor Expenses Policy as recommended by the Inspectorate at a future meeting.

## **Relevance to Council Plan**

### **5.1 We practise responsible leadership**

5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

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

## **Climate Emergency Consideration**

There are no climate emergency considerations relevant to this recommended amendment to the Policy

## **Consultation/Communication**

No community consultation is required to be undertaken on this matter, there is no change to the policy with only an amendment to the claim form as per the Inspectorate's recommendation.

## **Financial and Resource Implications**

There are no financial consideration associated with this matter or the suggested amendment to the Policy.

## **Conclusion**

The Local Government Inspectorate have concluded their review into the matter of Travel Expense Claims lodged by Cr Collin Ross. They have advised that '*there is insufficient evidence of a breach of the Local Government Act 1989 and Crimes Act 1958*'.

The Inspectorate have however made some recommendations to amend the Travel Expenses Claim form which are aimed at minimising ambiguity in respect to councillor's travel expense claims for Council, residents and ratepayers.



## Local Government Inspectorate

GPO Box 4912  
Melbourne Victoria 3001  
Inspectorate@lgi.vic.gov.au  
Telephone: 1800 469 359

Ref: LC7195

Ms Carol Jeffs  
Chief Executive Officer  
Cardinia Shire Council  
20 Siding Avenue  
OFFICER VIC 3809

By email to: [C.Jeffs@cardinia.vic.gov.au](mailto:C.Jeffs@cardinia.vic.gov.au)

### **PRIVATE & CONFIDENTIAL**

Dear Ms Jeffs,

### **CR COLIN ROSS – COMPLAINT OUTCOME**

I am writing to inform you of the outcome of the Local Government Inspectorate's (Inspectorate) assessment of a review of a number of expense claims submitted by Cr Colin Ross of Cardinia Shire Council (Council).

#### **Scope**

The scope of the review was a number of claims for reimbursement made by Cr Ross to Council for parking, tolls and travel expenses related to his attendance at paid board and committee meetings of the Victorian Local Government Association (VLGA) from 1 July 2019 and the Metropolitan Waste and Resource Recovery Group (MWRRG) from 1 May 2017.

#### **Outcome**

The Inspectorate conducted a thorough assessment of the allegations, including reviewing Cr Ross' expense claim forms, relevant Council, VLGA and MWRRG Policies and the full Justitia Report.

The Inspectorate considered provisions of the *Local Government Act 1989* (in force at the relevant times) relating to Council's obligations in relation to reimbursement of expenses of Councillors and misuse of position. The Inspectorate also considered provisions of the *Crimes Act 1958* relating to obtaining property by deception.

The Inspectorate concluded that there is insufficient evidence of a breach of the *Local Government Act 1989* and *Crimes Act 1958*.

The Inspectorate notes whether a breach of the Councillor Code of Conduct occurred is not a matter for the Inspectorate, but for Council to determine.

### Recommendations

Whilst insufficient evidence of a breach of the *Local Government Act 1989* and *Crimes Act 1958* was found, the Inspectorate identified improvements that could be made to Council's 'Claim for Travel Expenses' form, part of its 'Councillor Expenses Policy'.

The Inspectorate makes the following recommendations to Council, which are aimed at minimising ambiguity with respect to councillors' expense claims:

1. Council's 'Claim for Travel Expenses' form, part of its 'Councillor Expenses Policy', is amended to include:
  - i. a requirement that Councillors clearly stipulate how the expense was incurred while performing their duties as a Councillor;
  - ii. a requirement that Councillors include logbook entries or records of odometer readings at the start and end of the journey;
  - iii. a requirement that Councillors include the start and finish time of the journey; and
  - iv. a requirement that Councillors include the starting location of the journey.

We expect that the implementation of these recommendations will assist Council, residents, ratepayers, and other interested parties to determine the nature, circumstances and appropriateness of councillors' expense claims.

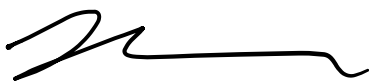
Please advise the Inspectorate within three months of your progress in relation to the above recommendations.

The Inspectorate will take no further action in relation to this matter.

Cr Ross has been notified of the outcome of the Inspectorate's assessment.

Should you have any questions or would like to discuss this matter further, please email [inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au).

Yours sincerely,



**Ross Millard**  
**Manager Operations**

12 / 01 / 2022