

6.3 Policy Reports

6.3.1 Councillor Expenses Policy amendments

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council adopt the amended Councillor Expenses Policy 2024.

Attachments

1. Amendment to Councillor Expenses Policy clean version [6.3.1.1 - 10 pages]

Executive Summary

An Internal Audit was undertaken into the Councillor Expenses Policy late last year. The Internal Audit Report was accepted by the Audit & Risk Committee at its meeting held in November 2023. The amended Policy was subsequently considered by the Committee at its meeting held on 15 March and the amended Policy was approved in principle for consideration by the Council.

In addition, an amendment is proposed in regard to a Councillor being able to access additional professional development activities in their first year of office if required.

Background

Council has had a Councillor Expenses Policy in place for many years and this has been a requirement of the previous 1998 Local Government Act and now the 2020 Local Government Act.

As part of the internal Audit Program Council's Internal Auditors 'Crowe' undertook an Audit into the Policy and handed down their report in October 2023, copy attached.

The recommendations arising from the report can be summaries as follows:

Recommendation	Action
Management should: <ol style="list-style-type: none"> 1. Referencing the Expense policy to the Councils Financial Delegations Policy, where necessary, to include explicit financial delegation guidelines 2. Amend the Travel Claim Form declaration by Councillors to state: <i>"I certify that these expenses have been incurred whilst exercising my duties and obligations as a Councillor for Cardinia Shire Council, in accordance with the Councillor Expenses Policy and Local Government Act 2020 (Division 6 – entitlements 39, 40 and 41).</i> 	Agreed included in amended Policy. <ol style="list-style-type: none"> 1. Refer Clause 4.1 2. Refer travel claim form
Management should <ol style="list-style-type: none"> 1. Update the Councillor Expense policy to include clear and comprehensive guidelines for Councillor expense claims related conferences and seminars. These could include: 	Included in amended policy. Refer Clause 3.3

<p>a. Define a clear approval process that outlines the steps Councillors must follow to seek approval before attending conferences and seminars. Specify the responsible authority for granting approval.</p> <p>b. Establish caps or guidelines for the reimbursement of expenses related to accommodation, travel, food, drinks, Councillor’s spouse / partner expenses and other conference related costs.</p> <p>c. Clearly articulate the procedures for payment and reimbursement of expenses incurred during conferences and seminars. Include details on submission deadlines, required documentation and the responsible department for processing payments.</p> <p>d. Mandate that Councillors report the outcomes of their activities upon completion of the seminar or conference. This should include a summary of the knowledge gained and how it aligns with the Council’s goals.</p>	
<p>Management should</p> <p>1. Amend the Councillor Expense Policy, where necessary, to include comprehensive guidelines for Councillor allowances in accordance with the requirements of the Local Government Act 2020, specifically as outlined in section 39.</p> <p>By implementing this recommendation, Council will bring the Councillor Expense policy into alignment with the LGA 2020, enhance transparency and accountability in Councillor allowances and minimize the risk of legal and regulatory consequences associated with non-compliance.</p>	<p>Agreed Policy amended accordingly Refer Clause 3.5</p>
<p>Management should offer refresher training to Councillors regarding the amended Councillor Expense Policy, following updates to the policy as a result of this internal audit.</p>	<p>Agree – Mid Term training will be scheduled for Councillors</p>
<p>Management/Council to review the recommendations from these reports and implement as recommended by the LGI. For recommendations not implemented, an explanation/rationale to be provided to the ARC.</p>	<p>All recommendations from LGI report implemented other than amending per kilometre rate to ATO rate rather than EBA rate</p>

These recommendations have been included in an amended version of the Policy which is also attached.

In regard to the additional matters raised at the Audit & Risk Committee the following details are included for Councillors information

- Professional Development Allowance

The current version of the Councillor Expenses Policy includes provision for an allocation of \$3,000 per Councillor for professional development. The Policy also stipulates that any unused funds from the annual allocation can be rolled over from one year to the next provided the cumulated funds do not exceed \$12,000.

During this Council’s term the amounts spent on Councillor Development activities per annum from an annual budget of \$27,000 have been as follows:

- o 20/21 \$14,276
- o 21/22 \$6,818
- o 22/23 \$7,730
- o 23/24 \$2,744

Based on previous years expenditure and demand on the Professional Development Budget an increase over the current amount is not warranted. The policy has been amended to allow a Councillor to access additional professional development funds in their first year of office if required.

On April 30, 2024 the Local Government Amendment (Governance and Integrity) Bill 2024 was tabled in Parliament. If adopted, this legislation will require a range of mandatory training for Councillors when elected, training for each Mayor and Deputy Mayor throughout a Council term and mandatory annual professional development training for all Councillors. Regulations will be released which will provide greater detail, this is known Council will need to revise this policy and its Councillor Training budget.

- **Travel allowance rate**

Historically the rate included in the Councillor Expenses Policy for travel reimbursement has been set at the rate set in Council's Enterprise Bargaining Agreement so that Councillors are paid the same rate for use of their private vehicle as Council staff are.

The Local Government Inspectorate released a report in 2021 and, amongst other recommendations, recommended that:

All councils should adopt the position that private vehicle use claims are reimbursed at the Australian Taxation Office rate (currently \$0.72 per kilometre travelled, as of 1 July 2020). This rate has now increased to \$0.85 per kilometre from July 2023.

It is recommended that Council adopt this suggestion and apply the Australian Tax office rate to travel reimbursement claims which is currently 85 cents per kilometre.

Policy Implications

The proposed attached Councillor Expenses Policy will replace the current Policy.

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

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 associated with this matter

Consultation/Communication

External community consultation is not required to be undertaken to adopt amendments to the Councillor Expenses Policy

Financial and Resource Implications

There are no financial or resource implications associated with amending the policy.

Conclusion

Following the Internal Audit of the Councillor Expenses Policy and confirmation of the revised Policy by the Audit & Risk Committee it is appropriate for the Council to consider the recommended amendments to the Policy.



Councillor Expenses Policy reviewed by A&R Committee

HPRM number	Councillor Expenses Policy 2024		
Policy owner	Governance		
Adopted by	Council		
Adoption date	17/08/2020	Scheduled review date:	17/08/2024
Revisions	Amendments following Internal Audit Report and confirmation by the Audit & Risk Committee		
Publication	CardiNet and website		
Revision/version number	3		

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 prevailing rate as set by the Australian Tax Office from time to time.

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 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 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

If a Councillor wishes to attend a conference or seminar, they can request the Manager Governance, Risk and Property or delegate to be enrolled for the conference or seminar. Any request must include details of the conference/seminar that is proposed, the estimate of costs, and the purpose of attendance.

The cost of attendance will be drawn from the Councillors annual professional development allocation, however if the cost exceeds, or is likely to exceed \$750 the prior approval of the CEO is required.

Attendance by a Councillor at local, interstate or overseas meetings, conferences or seminars where the total cost exceeds \$3,000, or the total expenditure incurred by that Councillor in the financial year will exceed \$3,000, must be subject to approval by Council Resolution

The Mayor and Deputy Mayor as part of their respective roles will be entitled to attend the Australian Council of Local Government Association Annual General Assembly of Local Government in Canberra and the MAV Annual Conference and State Council Meetings with all expenses being paid by the 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 the Chief Executive Officer in consultation with the Mayor; and attendance by a Councillor's spouse / partner is considered to be necessary or appropriate. Expenses for spouses / partners for attendance shall be limited specifically to the ticket and meals, unless with prior approval by the Chief Executive Officer.

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 Councillor does not attend the function the Councillor will be required to reimburse the cost associated.

A Councillor attending a conference/seminar will provide a written report within one month of attending the function. The purpose is to share information on the *knowledge gained from the Conference / Seminar and how it aligns with the Council's goals.*

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 Councillor allowances

- 3.5.1 Under the provisions of Section 39 of the Local Government Act the Mayor, Deputy Mayor and Councillors are entitled to receive an allowance in accordance with a Determination of the Victorian Independent Remuneration Tribunal.
- 3.5.2 The Mayor, Deputy Mayor or Councillor may elect to receive -
- The entire allowance
 - A specific part of the allowance or
 - No allowance

3.6 Professional Development

- 3.5.1 To provide support to Councillors for upgrading their skills during their term of office an amount of \$3,000 per Councillor, 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 training cost exceeds \$3,000, or the total expenditure incurred by that Councillor in the financial year will exceed \$3,000, this must be subject to approval by Council Resolution
- 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).
- 3.5.4 If however, in the first year of being elected a Councillor wishes to expend more than the \$3000 allocation on specific training approval must be obtained from the Mayor, approval is subject to availability within the Council Budget for that financial year.
- 3.5.6 The allocation to a Councillor is not transferable to another Councillor.
- 3.5.7 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.

- 3.5.8 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
- 3.5.9 A Councillor is entitled to a maximum of \$12,000 over the four-year term in office
- 3.5.10 If Council pays the fees in advance and, without extenuating circumstances, the Councillor does not complete the professional development the Councillor must reimburse the Council to the full extent
- 3.5.11 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 Safety and Property or delegate at a frequency convenient to the Councillor, these claims must be lodged at a minimum of monthly and a maximum of quarterly.
- Payments will be approved in accordance with any financial delegations in place from time to time.
- 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 Act 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: ___/___/___

Councillors are entitled to claim for use of their private vehicle to undertake their duties, in accordance with this Policy. Payment will be made at the prevailing Australian Tax Office rate (currently 85 cents per kilometre)

PARTICULARS OF CLAIM

Date	Reason (How is this travel relevant to your role)	Other parties attended	Starting location	Destination or locality	Action Taken	Start time	Kms at start	End time	Kms at end	Distance travelled
									TOTAL	

I certify that these expenses have been incurred whilst exercising my duties and obligations as a Councillor for Cardinia Shire Council, in accordance with the Councillor Expenses Policy and Local Government Act 2020 Section 39, 40 and 41).

Signature of Councillor

Approved by Manager Governance Safety and Property

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

FINANCE USE ONLY	
Supplier No.	_____
Ledger No.	800000-0-1260-1000-61220
_____ kms	
= \$ _____	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 Safety and Property

FINANCE USE ONLY	
Supplier No.	_____
Ledger No.	800000-0-1260-1000-61220
\$	_____ NO GST