

# Councillor Expense and Support Policy

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**MITCHELL SHIRE COUNCIL**





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## 1. PURPOSE

The Policy identifies facilities, services and resources which are made available to Councillors and identifies those circumstances under which Councillors may incur and seek reimbursement for out of pocket expenses while carrying out their duties as an elected representative.

The Policy also provides guidelines for Councillors on the process for claiming expenses and outlines the methods and standards for reporting and accountability.

## 2. APPLICATION

This Policy applies to:

- Councillors
- And where required members of Special Committees

## 3. REFERENCES

- Sections 75, 75A, 75B and 75C of the *Local Government Act 1989*
- Mitchell Shire Council Councillor Code of Conduct

## 4. POLICY

### 4.1 Legislative Framework

#### 4.1.1 Councillor Allowances

Sections 73A to 74C of the *Local Government Act 1989* provide the framework for payment of annual allowances to Mayors and Councillors.

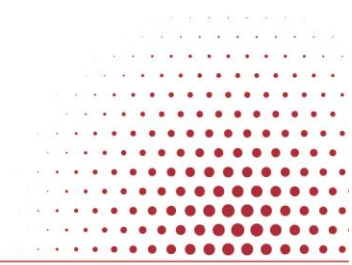
The allowance framework provides a three level structure for allowances based on Council population and total revenue. The allowances are reviewed and adjusted annually by the Minister for Local Government.

In addition to the allowance, an amount equivalent to the superannuation guarantee contribution is payable. The current amount is 9.5% from 1 July 2014.

Councillor Allowances are taxable income and are paid monthly in advance.

#### 4.1.2 Resource and Facilities

Section 75C of the Act provides that a Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed.



### 4.1.3 Expenses

Section 75 of the Local Government Act provides that a Council must reimburse a Councillor for expenses if the Councillor applies in writing and establishes in the application that the expenses were reasonable bona fide Councillor out of pocket expenses incurred while performing duties as a Councillor.

‘Duties as a Councillor’ means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial Guidelines or Council policies.

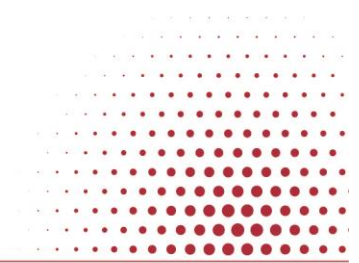
Section 75A provides that a Council may reimburse members of Council Committees for necessary out of pocket expenses incurred while performing duties as a Committee member.

### 4.1.4 Duties as a Councillor

Councillor duties are duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, Regulations, Ministerial Guidelines or Council policies.

Such duties would generally include, but are not limited to, the following activities:

- Attendance at meetings of the Council or its Committees
- Attendance at briefing sessions, meetings, workshops and civic events or functions convened or scheduled by Council, the Mayor or a senior member of Council staff
- Attendance at conferences, workshops or training programs approved under Council’s Councillor Training and Conference Policy
- Attendance at meetings of community groups, organisations or service authorities to which a Councillor has been appointed as Council representative
- Attendance at a meeting, function or event as representative of the Council or Mayor
- Attendance at site inspections in relation to a Council approval process or Council project
- Responding to communications from constituents concerning Council business



## 4.2 Resource Facilities and Support

In accordance with section 75C of the *Local Government Act 1989* and the Victorian Government policy statement on support for Councillors, a range of resources, facilities and support will be provided to assist Councillors in performing their duties as a Councillor.

### 4.2.1. Home Office and Communications

Councillors will be provided with the following equipment:

- Mobile telephone – smart phone with 3G/4G capability
- Tablet or laptop computing device with optional 3G/4G capability
- Multi-functional copy, print, scan with Wi-Fi (optional for Councillors)

In accepting equipment under this Policy, Councillors will when requested, return equipment to Council for maintenance and updating. If required, a substitute device will be provided.

All equipment remains the property of the Council and must be returned immediately when a person ceases to be a Councillor.

If, at the conclusion of the four year term of office, the equipment is not required for Council use, a Councillor may purchase all or any part of the equipment at the value determined by the Chief Executive Officer taking into account the age and condition of the equipment, depreciation and market value.

Upon request, Council will provide a separate land line into the Councillor's residence for ADSL Broadband connection. This service will be connected to a wireless modem to provide internet connection to Council issued equipment, as listed above, for Council business.

Council will pay for all the connection fees, service rental charges and all Council business call/data costs charges incurred for duties as a Councillor.

It is acknowledged that there will be some incidental private use of mobile communications equipment but generally the cost of any private use, including any use exceeding the download capacity provided, of these services and facilities must be reimbursed to Council.

Use of the mobile telephone, tablet or laptop computing device by a Councillor while travelling overseas must be approved in writing by the Chief Executive Officer.

Councillors are expected to promptly reimburse the cost of non-Council use of telephone land lines, mobile phone charges and



internet services.

#### **4.2.2. Building Access**

Each Councillor will receive a key and security access card allowing access to the Civic Centre and Mayor and Councillors' Room at Mitchell Shire Council, 113 High Street, Broadford.

Access to the Civic Centre and Council buildings is for business activity only related to purposes of Councillor business.

#### **4.2.3. Councillor Office and Meeting Rooms**

The Mayor and Councillors' Room is reserved for exclusive use by Councillors. The room is equipped for computer access and is suitable for office work reading and research, and small meetings.

Other meeting rooms in the Civic Centre can be booked for meetings through the Governance and Executive Office. Meeting equipment and tea/coffee, biscuits and chilled water can be made available for meetings upon request.

Other meeting rooms owned and controlled by Mitchell Shire Council and which can be accessed without staff attendance can be used (subject to availability) by Councillors for meetings associated with their role as a Councillor. This does not extend to use by community groups or organisations.

#### **4.2.4. Stationery and Secretarial Support**

Secretarial support will be made available by the Chief Executive Officer for Councillors to assist them with diary management and in responding to correspondence, enquiries and requests for service as part of their official duties as a Councillor.

Councillors will be supplied as required with standard Council stationery, including business cards and computer consumables required for their duties as a Councillor.

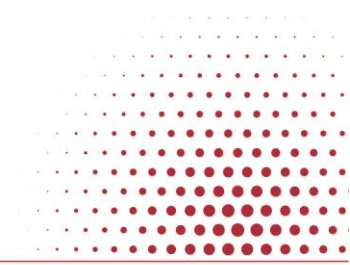
Council business papers, personal mail and other Council information will be couriered to Councillors' places of residence weekly or as required. Increased use of electronic mail for information distribution and communication with Councillors will continue.

#### **4.2.5. Name Badge and Corporate Apparel**

Each Councillor will be provided with a Mitchell Shire Council name badge for use on Council business. A name badge for a partner of a Councillor will also be provided upon request.

#### **4.2.6. Facilities for the Mayor**

Secretarial support will be made available by the Executive Assistant to Chief Executive Officer and Mayor to assist the Mayor



(and where appropriate the Mayor's partner) in performing their official duties.

A Council maintained eco-friendly vehicle (as listed by Choice 'Green' car buying guide) will be provided to the Mayor for Council use and reasonable private use during his or her term of office.

Reasonable private use excludes use of the mayoral vehicle:

- By others (with the exception of spouse/partner and/or councillors);
- For private business purposes
- For personal holidays
- For private purposes outside the State of Victoria

For Council business use of the Mayoral vehicle outside of Victoria, the Mayor must seek the leave of Council at an *Ordinary* council meeting.

The Mayor will be reimbursed for reasonable expenses incurred in performing their official duties in accordance with section 75 of the Local Government Act.

#### **4.2.7. Insurance**

Councillors are covered under the following Council insurance policies while discharging their duties as a Councillor:

- Public liability Professional indemnity
- Councillor and Officers liability
- Personal Accident (accompanying partners are also covered)
- Accident Compensation Act 1985

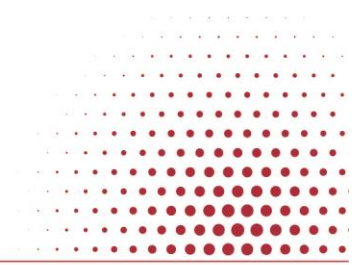
Each Councillor has a responsibility to disclose details of any circumstances which may result in a claim for breach of professional duty. Similarly, if a Councillor becomes aware of a matter that exposes the Council to risk of a potential claim or that exposes the public to potential injury or harm, the matter is to be reported immediately to the Chief Executive Officer.

Council equipment provided to Councillors to assist in performing their role is effectively self-insured by Council. Councillors are expected to exercise due care in protecting the equipment from damage or theft.

#### **4.2.8. Professional Development and Training**

Councillors are encouraged to attend conferences, seminars, workshops and training programs to enhance their professional and personal skills and knowledge to better perform their role as a Councillor.





Proposals for attendance at conferences and training programs will be promoted in the Councillor Bulletin.

Councillors are permitted to authorise their own attendance at such meetings pertaining to their role as a Councillor to the ceiling of:

- Councillor \$3,000 per annum
- Mayor \$5,000 per Mayoral Year

All attendances at such meetings and conferences shall be booked through the Governance and Executive Office and all arrangements will be made by Officers on behalf of the Councillor regarding such meetings.

Councillors wishing to attend individual training courses where the annual ceiling will be exceeded must be discussed with and approved by the Chief Executive Officer and where appropriate, obtain consent from Council prior to a registration of attendance at an event or program.

A partner or guest may accompany a Councillor to conferences and functions where other attendees are generally accompanied by partners. The functions will generally involve luncheons and evening activities.

All additional costs such as meals, etc. relating to a partner or guest of a Councillor attending formal activities are the responsibility of the Councillor. Where appropriate, Council may pay these additional costs and seek reimbursement from Councillors.

Councillors who have exceeded their allocated amount in any one year must reimburse Council all costs in excess of their allocated amount.

### Interstate and International Conferences

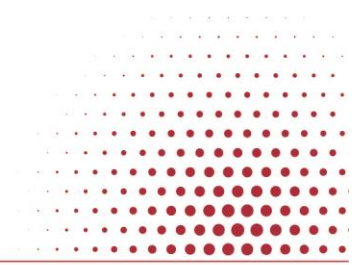
Proposals for conferences, study tours, delegations or visits in an official capacity outside of Australia require endorsement by Council.

Where a conference or seminar involves interstate or overseas travel, Councillors need to complete a Travel Register form, and where relevant, a Travel Diary. Details of interstate or overseas travel are included in a travel register available for public inspection.

#### **4.3 Reimbursement of Expenses**

In accordance with Section 75 of the *Local Government Act 1989*, Council will reimburse Councillors for reasonable bona fide out of pocket expenses incurred while performing their duties as a Councillor.





### 4.3.1 Family Care

Family care expenses will be reimbursed for the care of a dependent whilst the Councillor is engaged in official duties, such as attending a council related meeting or event, plus reasonable travelling time.

Family care includes childcare, specific home care and any other support provided in the case of a dependent.

Family care expenses include hourly fees paid by the Councillor and/or agency booking fees if applicable.

- No payments will be made to a person who:
  - Has a financial or pecuniary relationship with the Councillor
  - Resides either permanently or temporarily with the Councillor
  - Has a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the Care provider
  - Has a relationship as a family member as defined in s78 of the Act

### 4.3.2 Councillors with Disabilities

The Council will meet reasonable additional expenses to assist a Councillor with a disability to perform his/her duties as a Councillor in accordance with legislation.

### 4.3.3 Travel

#### Public Transport

Council encourages a range of travel options conducive to the environment. Public transport can be a convenient and efficient form of travel for many Council business events, particularly in the central business district of Melbourne.

Public travel expenses incurred by Councillors in the course of official duties as Councillor will be reimbursed.

#### Private Vehicle Use

Councillors using their private vehicles to carry out official duties as a Councillor will be reimbursed at the motor car allowance rate determined by the Australian Tax Office for tax deduction purposes.

Travel expense claims must be completed on the approved form and forwarded to the Chief Executive Officer for authorisation the month prior to each reporting quarter.



### Taxi Fares

Where it is not possible or convenient to use public transport or a private motor vehicle, a taxi can be used by Councillors for travel required for their official duties as a Councillor.

Travel of a private nature will not be reimbursed or paid by Council.

### Council vehicle pool

If it is assessed as the most practical means to attend a location to conduct Council related business, a vehicle from the Council motor vehicle pool may be provided for use by a Councillor or a group of Councillors.

### Interstate and Overseas Travel

Council must resolve at an *Ordinary* council meeting on any interstate and overseas travel for a Councillor related to Council business.

This excludes the annual visit by the Mayor to Canberra in attending meetings with Federal Members of Parliament in advocating for funding and infrastructure projects for Mitchell Shire.

#### **4.3.4 General**

The following general provisions and guidelines apply to determine the amount of out of pocket expenses that will be reimbursed to, or paid on behalf of, Councillors:

- Reimbursements will normally be made in respect of expenses already incurred. Cash advances may be made in special circumstances approved by the Chief Executive Officer
- Travel must be undertaken as efficiently, and by the shortest route, possible
- Where travel is by air or by other means of public transport, economy class will be the standard
- Where accommodation is required, a standard level will be booked in close proximity to the meeting venue or if appropriate at the meeting venue
- Travel claims will only be made on the basis of the actual form of transport used and in the form of a reasonable allowance towards, or reimbursement of, necessary out of pocket expenses
- Expenses incurred, which are not directly related to the official Council duties of a Councillor, cannot be included in the calculation of a claim for reimbursement
- The cost of any penalties incurred for road, traffic or parking infringements will not be reimbursed
- If a particular expense is not claimed, this cannot be offset



- against a claim for an additional amount of another expense
- Council will reimburse the cost of a Councillor's partner accompanying the Councillor to engagements where the presence of the partner is necessary to support the business or representation needs of the Council. The engagement will normally be of a nature where other attendees will be accompanied by partners

#### 4.4 Expense Processing and Reporting

##### 4.4.1 Claiming of Expenses

The following provisions apply when making a claim for reimbursement of expenses:

- All claims for expense reimbursements must be made on the Councillor and Committee Member Expense Claim Form (Appendix B)
- Original receipts must be attached for all purchases (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 for all purchases. If a Tax Invoice is not submitted, the GST component cannot be reimbursed
- Claims are to be lodged with the Chief Executive Officer per quarter or the Manager Organisational Development in a timely manner to ensure transparency and accountability
- Claims for reimbursement will be authorised by the Chief Executive Officer or his/her delegate
- Reimbursements will be paid by electronic funds transfer (EFT) within 21 days of receipt of a properly completed and supported claim form

##### 4.4.2 Reporting

Reporting of Councillor direct expenses and claims for reimbursement will be presented in a consistent manner throughout the various reporting requirements of Council.

A quarterly report on Councillor direct expenses and claims for reimbursement will be provided as an attachment to the Finance Report. The Finance Report is presented to Council on a quarterly basis.

The quarterly report on Councillor direct expenses and claims for reimbursement will reflect:

- expenses incurred by Councillors during the quarter
- any reimbursements made by Councillors during the quarter
- any claims for reimbursement of expenses made by Councillors during the quarter



Claims and expenses related to Councillor Workcover and/or Assistance Programs will not be reported or made available for public inspection in accordance with legislation.

A register of quarterly schedules of allowances, expenses and reimbursements will be available for public inspection in accordance with Section 11 of the *Local Government (General) Regulations 2015*.

An annual report on Councillor direct expenses and claims for reimbursement will also be published in accordance with the *Local Government Performance Reporting Framework* for annual reporting.

## 5. REVIEW

In accordance with Section 75B of the *Local Government Act 1989*, Council will maintain this policy and make a copy available for inspection by the public. The policy will be reviewed within 12 months after each general election unless Council determines that an earlier review is required.

## 6. AUTHORISATION

All Claims for reimbursement will be authorised by the Chief Executive Officer or his/her delegate.