

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

17 September 2019

Agenda Item 9.6 Councillor Expenses and Entitlements Policy

Attachment 1 Councillor Expenses and Entitlements Policy 284

GREATER SHEPPARTON CITY COUNCIL

Policy Number 37.POL3

Councillor Expenses and Entitlements

Version 3.1

Adopted by Council: 17 September 2019

Business Unit:	Corporate Governance
Responsible Officer:	Team Leader Governance
Approved By:	Chief Executive Officer
Next Review:	Within six months of a general election

DOCUMENT REVISIONS

Version #	Summary of Changes	Date Adopted
1	Policy first adopted.	7 August 2007
2	Amendments made to expand on provisions relating to professional development and conditions applying to use of the Mayoral vehicle.	18 April 2017
3	Review to strengthen reimbursement processes in response to VAGO audit recommendations	17 September 2019

PURPOSE

The Greater Shepparton City Council (Council) recognises that the Mayor and Councillors may incur additional expenses in the effective performance of their duties.

The purpose of this policy is to provide a framework which facilitates professional development support to Councillors within budget constraints. It also provides guidance on the reimbursement of expenses, provision for facilities and support for Councillors.

OBJECTIVE

This policy provides direction on the provision of specific equipment, services, consumables and reimbursements which the Council will provide to the Mayor and Councillors, to support them in carrying out their civic duties.

This policy also provides Councillors with access to professional development opportunities to maintain their knowledge and skill base to contemporary standards and expectations.

SCOPE

Section 75 of the *Local Government Act 1989* (the Act) provides for the reimbursement of necessary out of pocket expenses incurred while performing duties as a Councillor.

This policy applies to all Councillors including the Mayor.

Where a situation is not adequately covered by this policy, the Chief Executive Officer (CEO) will determine what is approved as being a necessary expense as a consequence of a Councillors' elected duties.

DEFINITIONS

Reference term	Definition
Professional Development	Includes formal study and training workshops, attendance at a conference, seminar, forum, delegation or similar event that will assist a Councillor in their broad civic leadership role.
Event Representation	A conference, seminar, forum, delegation or similar event where the Councillor in attendance is representing Council, and the cost of attendance is funded by Council.

POLICY

Professional Development

As the public face of Council and as community representatives, Councillors play an integral leadership role in the processes for the development, communication and representation of the Council Plan and Council's policies, strategies and programs.

Professional development for Councillors contributes towards a positive presentation of Council for the betterment of the organisation and the community.

Council will allocate funds via its annual budget process to meet expenses for approved professional development needs of Councillors, inclusive of expenses relating to event representation. These funds will be calculated by allowing \$8,000 per Councillor, and \$12,000 for the Mayor.

These funds will be budgeted for collectively, noting that some Councillors may undertake more training than others, particularly those who are newly elected incoming Councillors.

A quarterly report will be provided to Councillors on expenditure relating to professional development. This will enable Councillors to monitor expenditure and ensure it is distributed in an equitable manner.

Councillors undertaking professional development shall have expenses for transport, accommodation, course fees and meals relating to their attendance paid by Council, as follows:

- The CEO may approve expenses for individual Councillors for professional development opportunities within Australia.
- The Council must approve all requests for professional development opportunities outside Australia, either at a Council meeting or through inclusion in an adopted budget.
- Professional Development requests which relate to overseas travel must be accompanied by a business case, describing the benefits to be gained from attendance and detailing the total costs and Council funds requested
- Within three months of the completion of the professional development opportunity at overseas location, a Councillor must table a report at a Council meeting, detailing the following:
 - details of the course topic, content, location, date and duration
 - relevance of the course to the position of Mayor and/or Councillor
 - total costs covering course, course material, travel, accommodation and any other expenses for the Councillor
 - benefits accruing to the Council from attendance
 - where two or more Councillors attend an event for which the tabling of a report is required, the Councillors may table a joint report.
- For any expenses claimed as reimbursement, evidence of attendance and tax invoices must be provided.
- All other expenses incurred as a result of attending professional development events shall be met from the Councillor allowance.
- Where a Councillor elects to have their partner accompany them, all expenses relating to the partner's attendance will be met by the Councillor.
- Refreshments must be consumed with a main meal and apply to non-alcoholic beverages only. Under no circumstances will charges arising from alcohol or a mini bar be covered by Council.

Event Representation

A Councillor who is funded by Council to attend an event shall participate as a representative of Council, not as an individual.

Council will allocate funds during the budget process each year to enable Councillors to attend events on behalf of the Council. This will cover the costs of the registration fee, transport, meals, and accommodation for the duration of the event.

Accommodation shall be organised for approved Professional Development or Event Representation at the event location where possible, or, where a package of hotels is offered, at any one of those hotels having regard to cost and standard. Where a hotel is not specified, a suitable hotel or motel close to the event venue will be selected.

Councillors wishing to make alternative accommodation arrangements will be responsible for all costs over and above those which would otherwise apply.

Attendance at Functions

Through the exercise of official duties, Councillors (and usually their partners) may get invited to social functions which require the payment of an attendance charge. It is predominantly the role of the Mayor to represent Council at these functions, with attendance costs (including partners, when invited) being met by the Council. If another Councillor is requested to attend on behalf of the Mayor, or in addition to the Mayor, these attendance costs will also be met by the Council.

Individual Councillors who have not been officially invited to a function but, would also like to attend may choose to do so at their own cost.

Allowances

Allowances will be paid each month and never more than one month in advance.

Subject to review and determination of the allowances by Council resolution in accordance with sections 74(1) and 74(4) of the Act, the allowances will be set at the maximum level for a category two council.

Although allowances are taxable, tax is not deducted by the Council. Councillors will be responsible for determining their own personal requirements in relation to their taxable income and may wish to consider seeking external advice if required.

Access to a Council Pool Vehicle and Travel Expenses

A council vehicle will be provided, when availability permits, for a Councillor to attend an event, training, professional development program, seminar, forum, function or conference which forms part of the Councillors official duties.

Use of a council vehicle must be in accordance with Council's Fleet Procedure.

Where a Councillor chooses to use their private vehicle, the Council will reimburse the Councillor upon request for travel expenses incurred to attend:

- Ordinary and Special Council meetings
- Briefing sessions
- Civic and ceremonial functions associated with their councillor duties
- any other event that forms part of the Councillors official duties
- a meeting of any organisation or deputation to which the Councillor has been appointed as the Council's representative, or where a Councillor is deputising for the Mayor.

Reimbursement will be subject to:

- for travel by car, reimbursement at the Motor Car Allowance rate determined by the Australian Tax Office for tax deduction purposes and must be supported with evidence in the form of a completed log book entry
- for travel by public transport, the fare will be reimbursed upon production of a tax invoice

All travel must be undertaken by the shortest route possible, and claims for reimbursement must be submitted within three months of the date on which they are incurred.

Mayoral Vehicle

The Mayor will be provided with a fully maintained vehicle for official council purposes which includes private use, in accordance with the following conditions:

- The Mayors partner or children are permitted to drive the Mayoral vehicle, provided they hold a current drivers licence and the Mayor is in the vehicle at the time of travel.
- A fuel card will be issued which can be used to purchase fuel for the Mayoral vehicle at selected stations. This card cannot be used to purchase fuel for any other vehicle, regardless of whether the Mayor is a passenger or driver of that vehicle.
- Maintenance and services of the Mayoral vehicle will be coordinated by Councils Fleet department. The Mayor is responsible for notifying the Executive Assistant to the Mayor and Councillors when a service or any form of maintenance is required.
- The Mayor is responsible for keeping the vehicle in a clean and tidy manner. Smoking is strictly prohibited in any Council vehicle. If the car is not maintained in an acceptable standard, the Mayor may be held personally responsible for the cost of detailing the vehicle.
- The Mayor is personally responsible for the payment of any parking / driver related offences and infringements issued to the Mayoral Vehicle registration, unless proof can be provided that the Mayor was not the driver at the time.
- The Mayoral vehicle is strictly prohibited from use for any activities relating to electioneering. This includes, but is not limited to, the display of election material on the vehicle or any transportation which directly relates to campaign activities.

Parking Permit

All Councillors will be provided with one parking permit which is to be affixed to the windscreen of their primary vehicle. The vehicle registration is to be provided to the Council at the time the permit is issued.

This permit will enable Councillors to park in any standard parking bay within the municipality free of charge and park for longer than the time indicated on the parking sign, when on official council business. The permit must not be used when other drivers are occupying the vehicle, unless the Councillor is also present.

Note: this permit does not enable a Councillor to park in a disabled parking bay, loading zone or other statutory areas. A failure to clearly display the parking permit or meet these requirements may result in an infringement being issued.

Office Space and Facilities

A Councillors suite will be provided for Councillors' use that will include facilities such as computers, a printer and a lounge area.

The Mayor is provided with an office space.

Legal Advice Expenses

The Council will only meet legal expenses incurred as a result of a Councillor executing their official duties. Councillors need to be aware of their role and responsibilities under the Act.

In accordance with a previous resolution of Council, no Councillor may obtain legal advice without first obtaining written approval from the majority of Councillors. This request must be made through the CEO. Alternatively, the Councillor may submit a Notice of Motion requesting that Council facilitate and fund such legal advice. The CEO may facilitate such legal advice and confirm that Council will meet expenses if:

- appropriate to do so taking into consideration the same criteria used by Council (below); and
- the Councillor requirement for legal advice cannot be deferred until the lodgement or consideration of a Notice of Motion.

Council will evaluate any requirement by a Councillor for legal advice against the following criteria:

- the extent to which the subject matter of the advice required relates to the Councillor's functions as a Councillor
- the extent to which the subject matter of the advice required relates to a matter before Council or the Councillor's representative role as a Councillor
- the extent to which the subject matter of the advice required will or is likely to be of interest to all Councillors
- the public interest; and
- any other relevant considerations.

Any Councillor who obtains legal advice without the majority support of the Council will be required to personally pay the expense incurred.

In the event that legal advice relates to a writ, action or pending action against a Councillor(s), the Councillor(s) must supply a copy of the writ or action or provide the information which may lead to an action, to the CEO. The CEO will advise Council's insurers as soon as possible, in accordance with Council's insurance policy conditions.

Provision of Facilities and Support

Administrative Support

The Mayor and Councillors are provided with an Executive Assistant and Support Assistant who provide administrative support to ensure Councillors official duties may be pursued in a professional manner.

Stationery

Upon request, Councillors will be provided with standard stationery held or obtained generally for organisational requirements.

No Greater Shepparton City Council letterhead will be provided.

Facilities and Equipment

The demands made upon a Councillor's time can be significant and Council business can be conducted more efficiently if Councillors are provided remote access to appropriate equipment. This access is provided subject to:

- the equipment being used predominantly for the transaction of Council business (minimal non-Council use of equipment that has no direct cost for Council, is allowable)
- the equipment strictly cannot be used for electioneering purposes
- Councillors must ensure the integrity and configuration of equipment provided is maintained at all times
- personal use which can be separately costed (eg: personal calls from a mobile phone in excess of \$50 per month) will be met from the Councillor Allowance
- Councillors must ensure the protection and safe keeping of all equipment issued
- The terms and conditions which govern the provision and use of Council provided equipment must be strictly adhered to
- Connection to Council's computer network, internet or email will be in accordance with Council's Use of Information, Communication and Technology Systems Procedure and the Councillor Code of Conduct.
- Limited private use is permitted of Council provided email, internet and mobile phones.

Councillors will be provided with:

- iPad
- smart phone with email access.

Councillors must meet the cost of electricity and reimburse the Council for all personal calls on mobile telephones in excess of a \$50 per month threshold. This threshold has been set as it costs more in staff time to process amounts below \$50, than is generally recovered. If the personal call cost exceeds the \$50 threshold, the Councillor is required to pay \$50 plus the amount that exceeds this figure.

Damaged / Lost / Stolen Equipment

Upon written application and subject to CEO approval, a Councillor may receive one "free of charge replacement device" (ipad and/or smartphone) in the event that the device is lost, stolen or damaged during the four year Council term.

Any further requests for replacement equipment will be at the Councillors own expense.

Equipment that is faulty or experiencing technical difficulties will be assessed by the Information Technology department. If the assessment confirms that the device is faulty and the problems do not relate to mistreatment, it will not be considered a 'replacement device' against that Councillor.

Return of Council Equipment

All equipment and stationary issued to the Mayor and each Councillor remains the property of the Council and must be returned to Council prior to election day without exception.

This process will be coordinated by the Executive Assistant to the Mayor and Councillors.

Should a Councillor be re-elected, the equipment will be returned to that Councillor, or new equipment will be issued, in accordance with this policy.

Any outgoing Councillors who are not re-elected may be provided with the opportunity to purchase their equipment. A nominal fee will be determined by the Manager Information and Communication Technology based on the current market value of the device/s.

Dependent Care

Council will reimburse the cost of dependent care expenses incurred by Councillors when attending:

- Ordinary and Special Council meetings
- Briefing sessions
- Civic and ceremonial functions associated with their councillor duties
- a meeting, function or any other official role, as either a representative of the Council or the Mayor in the Mayor's absence
- a meeting of any organisation or deputation to which the Councillor has been appointed as the Council's representative, or where a Councillor is deputising for the Mayor.

Reimbursement will be made subject to:

- where the care relates to dependent children, the eldest child under care being less than 16 years of age
- where the care relates to dependant adults, the Chief Executive Officer being satisfied that the expense is warranted
- a maximum individual amount of three thousand dollars (\$3,000) per financial year, reduced on a pro-rata basis where a Councillor only serves for part of a financial year (eg: from date of election to the end of financial year)
- each child care expense being supported by a receipt from the caregiver showing the dates and times care was provided
- a Councillor providing details as to why the care was needed on each occasion.

Dependent care costs will not be paid in relation to care provided by immediate family members (partner, parent, sibling, own child, or partners of same) or by a person who normally or regularly resides with the Councillor.

Claims for reimbursement of dependent care expenses must be submitted within three months of the date on which they are incurred.

Other Expenses

Any expenses not specifically addressed in this Policy may be referred to the CEO for consideration as a "necessary expense" for reimbursement. Where the CEO considers the expense to be legitimately incurred in the performance of councillor duties, it will be treated as follows:

- For expenses up to and including a total amount of \$1,000 and which can be accommodated within approved budgets, the CEO will approve reimbursement
- For expenses of more than \$1,000, or for which no budget cover is available, a report will be prepared for consideration at the next Council meeting.

Lodging a Claim

To lodge a claim for reimbursement under this Policy, the claim form at Attachment 1 must be completed and provided to the Executive Assistant to the Mayor and Councillors, along with the required supporting documentation to substantiate the claim. All claims must be submitted within three months of expenditure being incurred, and may take up to six weeks to be paid into an individual's bank account.

Reimbursement for expenses incurred more than three months prior to the submission of a claim will require a resolution of Council for payment.

Limitations

In accordance with Councils Election Caretaker Provisions Policy 37.POL4, Councillors must ensure that benefits contained within this Policy are not used as part of any election campaign.

RELATED POLICIES AND PROCEDURES

- Councillor Code of Conduct
- Election Caretaker Provisions Policy
- Use of Information, Communication and Technology Systems Procedure

RELATED LEGISLATION

Local Government Act 1989 (the Act)

REVIEW

The Team Leader Governance is to review the Councillor Expenses and Entitlements Policy after each general election of the Council, in conjunction with the Executive. Suggested revisions are to be submitted to the Council for consideration.

Peter Harriott
Chief Executive Officer

Date

Attachment 1

M08/2573: Councillor Expense Claim Form