

# SOUTH GIPPSLAND SHIRE COUNCIL COUNCIL POLICY



South Gippsland  
Shire Council

## COUNCILLOR SUPPORT AND EXPENDITURE

<b>Policy No.</b>	C51
<b>Policy Adoption Date</b>	Ordinary Council Meeting 20 November 2019
<b>Policy Owner</b>	Council Business Team / Corporate and Community Services
<b>Scheduled Review Date</b>	November 2023

### 1. PURPOSE

The Councillor Support and Expenditure Policy (Policy) assists Councillors, Council staff and the community understand the entitlements of Mayors and Councillors with respect to expenses reimbursement and the provision of facilities and resources support. This Policy document also contains Guidelines and Procedure.

### 2. SCOPE

This Policy applies to current elected Councillors of South Gippsland Shire Council in the performance of their duties as a Councillor and appointed as the Council representative on Council Committees, Section 86 Committees or Advisory Committees.

The Policy does not apply to external contractors, independent people, or volunteers appointed by Council to Council Committees that include, but not limited to, the Audit Committee, Chief Executive Officer Employment & Remuneration Committee, Section 86 Committees or formally appointed Advisory Committees. These are each dealt with separately under terms of reference or other arrangements.

### 3. COUNCILLOR SUPPORT AND EXPENDITURE PRINCIPLES

#### 3.1 Councillor Conduct Principles

Councillor Conduct principles, as prescribed by ss.76B and 76BA of the Act, set out how Councillors are required to undertake their duties. These principles require Councillors to:

1. Act honestly and avoid statements whether oral or in writing or actions that will or are likely to mislead or deceive a person;
2. Endeavour to ensure that public resources are used prudently and solely in the public interest;

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3. Act lawfully and in accordance with the trust placed in him or her as an elected representative; and
4. Support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

### 3.2 Provision of Support and Recognition Principles

Council will specify the level of support determined as reasonable for South Gippsland Shire Councillors. The level of support includes a 'minimum toolkit' for expenses, support and resources as prescribed in the regulations and guidelines provided by Local Government Victoria, as amended from time to time, and additional resource provision deemed acceptable.

The principle of providing support and reimbursements of expenses to Councillors is derived from legislated requirements in ss.74 to 76A of the *Local Government Act 1989* (Act) and Councillor conduct principles in ss.76B and 76BA. Minimum resources and facilities are prescribed for the purposes of supporting Councillors in performing their duties as a Councillor.

The Policy is compliant with relevant legislation, consistent with Local Government Victoria's specified standards and it supports the attraction and retention of Councillors from a wide cross section of people.

The 'Minimum Toolkit' referred to in the Policy is derived from the two Local Government documents:

- *Recognition and Support – The Victorian Government's Policy on Local Government Mayoral and Councillor Allowances and Resources, April 2008.*
- *Mayor and Councillors Entitlements – Information Guide - November 2008 Reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors.*

The establishment of clear support and expenditure principles Councillors in performing their duties seeks to:

1. Encourage diversity in participation, equity and access by recognising that Councillors operate in a complex environment and bring unique skills and insights to the role;
  - a. Diversity in participation and access to local representation contributes to well informed decision making involving the community:

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- b. The role of Councillor should attract and retain a wide cross section of people, including those from under-represented groups;
  - c. Councillors need to be accessible to a wide range of constituents and stay informed about issues in the community. These are an important part of the role and use of internet is essential to facilitate access;
  - d. Councillors are supported in undertaking their duties by assuring that reimbursement of expenses and access to resources support are provided in an equitable manner to cater for the full participation of all Councillors in Council business and with their communities, while recognising individual needs and circumstances;
  - e. Councillors are required to attend formal Council meetings and participate in community activities; and
  - f. The Community, Council and the State Government require resources to be used judiciously within a rate capped environment setting an expectation of Council to tighten controls on spending on behalf of the community.
2. Encourage accountability, transparency and community acceptance by:
    - a. Adopting and adhering to this Policy;
    - b. In addition to providing expenses reimbursement, adequately reflecting the basic toolkit of resources and facilities entitlements available to a Mayor and Councillors;
    - c. Providing flexibility to determine what Council can afford to provide beyond the minimum toolkit and what is acceptable to the community; and
    - d. Ensuring the details and range of benefits provided to Councillors by Council is clearly stated and fully transparent and acceptable to the local community.
  3. Support local flexibility according to complexity, needs and standards by recognising that:
    - a. It is a basic cost of governance to provide for the reimbursement of expenses necessarily incurred by Councillors in the performance of their duties;
    - b. A 'minimum toolkit' is needed;

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- c. Council has a responsibility to establish and define an appropriate and reasonable level of provision beyond the minimum level of provision. This will take into account differences between Councils and levels of complexity of Councils indicated by population size and revenue base to enable Councillors to carry out their civic role; and
  - d. This provision should conform to legislative and statutory requirements or accepted benchmarks and standards applied in the Sector.
4. No disadvantage, in that Mayoral and Councillor Allowances are provided separately to reimbursement of expenses and the costs of facilities / resources support.
- a. The provision of Mayoral and Councillor allowances are not a form of salary, but are legislated by the State Government in recognition of the contribution made by those elected to voluntary, part time roles in the community.
  - b. South Gippsland Shire Council Mayor and Councillors receive a 'Category 2' allowance, plus an amount equivalent of the Superannuation Guarantee, as established in the *Recognition and Support – The Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources – April 2008*. A remote travel allowance is also provided for Councillors in remote areas (50 kilometres or more from the Council Offices). The Minister for Local Government publishes any applicable increases to allowances annually.

#### 4. GUIDELINES: COUNCILLOR SUPPORT AND EXPENDITURE

##### 4.1 Allowances

- 1 Councillor allowances are paid in accordance with legislated requirements, with annual increases gazetted by the Minister for Local Government.
- 2 South Gippsland Shire Council is a Category 2 Council as gazetted by the Minister for Local Government.

##### 4.2 Minimum Toolkit Resources / Facilities (Mandatory Items)

- 1. Administrative support for the Mayor.

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2. Office for the Mayor
3. Vehicle for the Mayor
4. Computer - laptop and associated chargers for all Councillors.
5. Councillor accessible intranet (or equivalent) as part of Council's online environment (this will be provided through the laptop).
6. Mobile phone (and landline only if there is inadequate mobile coverage at a Councillor's normal residence).

### 7. Stationery

8. Access to fax / copier / incidental printing (smallest number of pages possible) at Council offices, or for printing own copies of Council briefing papers and Agendas. Any printing beyond this requirement requires the approval of the Mayor and Deputy Mayor.

As part of Council's Sustainability Strategy printing is encouraged to be kept to a minimum and undertaken at the Council offices where costs are the lowest. The Policy recognises from time to time a Councillor may need to utilise their own printing devices and therefore a small number of cartridges for monochromatic printing may be reimbursed annually.

Council resources will not be provided for personalised Ward newsletters (Council resolution 27 April 2016).

9. Website development – provided in the form of a webpage containing Councillors' names, photos, contact details and associated links to facilitate participation and access between Councillors and the community.

#### **4.3 Resources Provided in Addition to the Minimum Toolkit (Non Mandatory Items)**

The following has been determined by Council to be in addition to the 'minimum toolkit:

1. Optional access to Council vehicles for Councillors in lieu of travel reimbursement (except in cases where use of pool car is not practicable e.g. interstate travel) in accordance with Councillor Vehicles Policy CE04.
2. Access to office space and furniture in the form of Councillor's room.
3. For any Councillor with a disability Council may resolve to provide reasonable additional facilities and expenses, which may be necessary for the performance of their duties.

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4. Access to Council email and internet.
5. Council officer nominated to provide incidental (limited) support for Councillors for Council business requirements.
6. Incidental postage of Council related mail through Council's mail system however a copy of the mail will be kept by Council. Any postage beyond this requirement requires the approval of the Mayor.
7. Reimbursement of reasonable expenses necessarily incurred while entertaining visiting guests on behalf of Council or attending meetings, seminars or conferences (separate to accommodation and travel expenses) including the reasonable cost of drinks accompanying a meal.
8. The Council or CEO must give approval prior to any such entertainment / seminar / conference or meeting for which reimbursement will be sought, unless the Councillor is Council's nominated representative for the event concerned.
9. Payment and re-imburement of course, conference and program fees incurred in undertaking training and development activities to acquire new, or to enhance existing skills required to assist a Councillor in performing their role as a Councillor, or to achieve wider Council goals. Any learning opportunities identified are to be approved by the Chief Executive Officer. Where appropriate, Councillors are encouraged to report the outcome of the activity to Council immediately upon completion of the activity.
10. Child care/family care to cover Council related meetings and functions in accordance with the defined level of provision.
11. Where available, use of meeting rooms owned and controlled by Council where a Councillor is in attendance.
12. Transcripts specifying sections required of a recorded Council meeting. Requests are to be made through the CEO.
13. Requests for Information and/or assistance from staff, beyond that provided in briefings and published on the Councillor Intranet, are to be made through the relevant Director and will be managed at the Director's discretion. (Refer Councillor Access to Council Information Policy C66).
14. Access to the Local Government Act 1989 and other legislation on-line at <http://www.legislation.vic.gov.au/>.



15. Councillor Newsletter weekly bulletin of Council information, relevant publications, local and industry events and other general information published on-line through the Councillors' intranet (excluding publications in the second half of December and the month of January).
16. Business cards, name badges and a diary.

#### 4.4 Level of Provision

1. Travel – Reimbursement of Private Vehicle Usage and Public Transport Costs is only for:
  - a. Travel where the primary purpose of the trip is for legitimate and necessary Council business, including:
    - i. Council Meetings and Assemblies of Councillors;
    - ii. Standing Committee or Advisory Committee meetings of Council when the Councillor is the nominated representative/substitute or otherwise by approval of the Mayor;
    - iii. Regional meetings where the Councillor claiming reimbursement is Council's endorsed representative and travel is not paid/reimbursed by the regional organisation or meeting convenor;
    - iv. Functions to which Councillors are invited by organisations and where there is a direct involvement of Council. (Note: costs associated with the attendance by spouses/partners must be paid by the relevant Councillor);
    - v. Functions and events when requested by the Mayor to deputise for him/her;
    - vi. Inspections of properties and/or locations in regard to:
      - matters in current briefings and/or Council agendas, or
      - a community member with a relevant Council related matter; or
      - for Ward related open public information stands; and
      - that sufficient relevant details are to be specified on the claim form.
    - vii. Organised community meetings;
    - viii. Organised training, conferences and sector networking meetings.

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- b. Kilometres are eligible to be claimed measured from (and to) the Councillor's place of residence, or from the journey's commencement (or end) point, whichever is the closest to the Council offices or designated meeting location.

Where a journey's originating (or end) point is further away than the Councillors usual place of residence, it is only the incremental portion that is to be claimed as Council business related.

Where personal and Council related travel are both being undertaken in a single journey, the Councillor is required to use their professional judgement to articulate kilometres that are predominantly attributable to the primary and secondary purpose of the journey.

For the sake of clarity, Councillors will not make a claim, nor will a claim be approved, for travel where the primary reason for the travel is for private purposes and the Council related purpose is secondary and incidental.

- c. Travel is to be taken by the shortest practical route.
  - d. Travel reimbursements per kilometre are the current Australian Taxation Office set travel rates.
  - e. Parking Fees (Does not include valet or personalised service parking where these costs are higher than other standard parking facilities available in close proximity);
2. Phone/data – reimbursement of relevant call costs and associated conditions set out in the level of provision.
  3. Internet at normal place of residence (where Council internet provision is not available through the laptop/mobile phone).
  4. Child care / family care – expenses reimbursed for the care of a dependant whilst the Councillor is engaged in Council duties, such as attending a Council related meeting or event, plus reasonable travel time.

Where the care relates to dependent adults, the Chief Executive Officer must be satisfied that the expense is appropriate.

Family care expenses include hourly fees paid by the Councillor and/or agency booking fees where applicable. The following will be eligible for the purposes of child/dependent care reimbursement:

- a. Council Meetings and Assemblies of Councillors.



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- b. Standing Committee or Advisory Committee meetings of Council when the Councillor is the nominated representative/substitute or otherwise by approval of the Mayor.
  - c. Regional meetings where the Councillor claiming reimbursement is Council's endorsed representative and child/dependent care is not paid/reimbursed by the regional organisation or meeting convenor.
  - d. Functions to which Councillors are invited by organisations (attendance by spouses/partners must be paid by the Councillors) and where there is a direct involvement of Council.
  - e. Child/dependent care expenses incurred by Councillors embarking on sites/matters raised by members of the community, and/or related to current / imminent Council Agenda items, which are required to enable the Councillor to form an opinion.
  - f. The purpose, destination, subject matter, date and time are required to be provided to support the claim.
  - g. Approved training, conferences and seminars.
  - h. No payments will be made to a person who:
    - i. Has a financial or pecuniary relationship with the Councillor; or
    - ii. Resides either permanently or temporarily with the Councillor, except where a live-in / professional helper such as a nanny is required to work additional time at extra expense because of the Councillors duties. In these occurrences the extra payment can be claimed; or
    - iii. 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; or
    - iv. Has a relationship as a family member as defined in section 78 of the Act.
5. Interstate and Overseas Travel
- a. Discretionary interstate trips, interstate travel and attendance at interstate conferences in relation to Council business, requires approval of the Chief Executive Officer prior to the event.
  - b. Overseas travel in relation to Council business requires approval by resolution of Council prior to the event.

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- c. In both of the above circumstances it would be likely that a Councillor would be the Council's appointed or nominated Council representative, such appointment or nominations generally being made at the annual Statutory Meeting of Council.
  - d. It is expected that a Councillor will provide a full report of the outcomes of their travel to the next meeting of the Council after the travel occurs.
  - e. Councillors must, within seven days after the completion of a trip, record the following details in Council's Local Government register (Refer Local Government (General) Regulations 2015 clause 12 for specific requirements regarding interstate and overseas travel):
    - i. Councillor Name;
    - ii. Destination;
    - iii. Date/s of travel;
    - iv. Purpose of travel; and
    - v. Total cost to the Council including accommodation costs.
6. Overseas mobile phone and data usage
- International use of mobile phones or electronic data connections on Ipad/tablet, including associated roaming charges, requires CEO approval prior to departure and expenditure is limited to a maximum of \$600. Councillors must minimise these costs by turning the phone off except when making a call and using SMS messaging to keep costs as low as possible. Expenses incurred over \$600 are to be paid by the Councillor.
7. Accommodation
- Accommodation for conferences and overnight requirements to attend meetings is limited to a maximum of four star level only if a suitable three star accommodation is not available. The difference in cost is to be paid by the Councillor where accommodation is sought at a higher standard than the available 3 star (4 star by exception) standard.
- 4.5 Limitations on Resource Usage**
- A Councillor should seek authorisation from the Council through the Mayor prior to using public funds or resources for any purpose that is not a standard/regular practice or likely to incur expenditure that may not be

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deemed an acceptable use by the broader community. (Source: Council resolution 27 April 2016)

#### 4.6 Internal/External Audit Review of Claims

1. Support provided under this Policy will be subject to review by the internal audit committee on an annual, or as requested, basis.
2. The Victorian Auditor General's Office (VAGO) may also request to review claims for reimbursement by Councillors, as part of the review of Council's financial management.

#### 4.7 Transparency on Expenditure and Reimbursements

- 1 The annual expenditure on Councillors' allowances and reimbursements will be reported in accordance with legislated requirements in the Annual Report.
- 2 The broader 'Costs of Elected Representation' will be reported annually in accordance with the regulated *Local Government Performance Reporting Framework* indicator requirements and published on the State Government's 'Know Your Council' website for comparative and transparency purposes.

### 5. PROCEDURE: REIMBURSEMENT CLAIMS

#### 5.1 Submitting Claims

1. Councillors must submit claims within 7 days of the end of each month. Claims that are submitted after 7 days will be referred to the Mayor and Deputy Mayor to determine if extenuating circumstances for late submissions are reasonable. The Mayor and Deputy Mayor will advise the CEO if these circumstances are acceptable or not for payment determination. They will also advise the Councillor accordingly. If the claims relate to the Mayor then these will be referred to the Deputy Mayor and the most recent previous Mayor to consider and advise accordingly. (Note: the CEO retains the financial delegation to authorise payments and/or seek further information to support claims made.)
2. Claims must be made on the appropriate claim form with supporting documentation (such as receipts and invoices) and signed by the Councillor.

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3. Claims that appear to lack clear alignment with Council related purposes will be referred to the Mayor and Deputy Mayor to determine before payment can be approved. The Mayor and Deputy Mayor will advise the Councillor accordingly. If the claims relate to the Mayor then these will be referred to the Deputy Mayor and the most recent previous Mayor to determine and advise the CEO/Mayor accordingly. (Refer Section 75 of the Local Government Act 1989 and the Note in 3.10.1 above.)
4. At the end of each Financial Year all claims, must be submitted to the support officer to the CEO and Mayor for authorisation by 7 July (within seven (7) days of the end of the financial year), so that they can be paid in the year in which they were incurred.
5. Late payments received after this date are to be referred to Council to approve payment in the following financial year.

### 5.2 Reimbursement of Claims in an election year

1. In an election year of Council, all claims for reimbursement are to be submitted to Council prior to the commencement date of an Election (Caretaker) Period. As defined in section 3 of the LGA an Election Period means the period that –
  - a) Starts at midnight on the last day on which nominations for that election can be received; and
  - b) Ends at 6pm on Election Day.
2. All equipment provided by Council under this Policy must be returned to Council at the end of a Councillor's term of office.
3. Council resources are not to be used for any electioneering purposes.

### 6. RISK ASSESSMENT

This Policy enables:

1. Council, Councillors, and Council Staff to understand misuse of Council resources (fraud) and reputational risk is minimised by providing:
  - a. Consistency with current legislation;
  - b. Adequate support to Councillors to carry out their responsibilities effectively;



- c. Approval requirements for resource usage beyond the levels of mandatory and general incidental use; and
  - d. Transparency and accountability in respect to payments made and expenditure incurred to/by Councillors.
2. Council to demonstrate its commitment to openness and transparency by articulating requirements that are considered by Council to be necessary and reasonable for Councillors to claim as bona fide out of pocket expenses.
  3. Community confidence and public trust in Council to be maintained or improved.
  4. Council to address matters that are not explicitly captured in the *Local Government Act, 1989* and, when followed will mitigate the likelihood of any breaches of the *Local Government Act 1989*.

## 7. ROLES AND RESPONSIBILITIES STATEMENT

This *Policy, Guidelines and Procedures* will be distributed:

1. To Councillors via Councillor Intranet;
2. Making the Policy available for public inspection at the Council Office; and
3. Publication of the Policy on the Council website.

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<b>SUPPORTING INFORMATION</b>			
<b>Legislative Provisions</b>	Local Government Act 1989, ss.74 to 76BA apply. Local Government Act (General Regulations) 2015		
<b>Council Supporting Documents</b>	Councillor Code of Conduct (C14) Election Period Policy (C30)		
<b>Related Documents</b>	Recognition and Support – The Victorian Government’s Policy on Local Government Mayoral and Councillor Allowances and Resources April 2008  Mayor and Councillors Entitlements – Information Guide November 2008 –reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors - Local Government Victoria		
<b>File Location</b>	D917719		
<b>DEFINITIONS and ACRONYMS</b>			
<b>Duties as a Councillor</b>	Has the same meaning as s.75(2) of the Local Government Act 1989: <i>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.</i>		
<b>LGA</b>	Local Government Act 1989		
<b>Incidental</b>	A minor number / the smallest number possible.		
<b>REVISION HISTORY</b>			
<b>Version</b>	<b>Approved</b>	<b>Approval Date Range</b>	<b>Sections Modified</b>
1.2	Ordinary Council Meeting	20 November 2019	Revised Policy replaces C51 adopted 27 March 2019