



## COUNCILLOR SUPPORT AND EXPENDITURE POLICY

Policy Number	C51	Directorate	Corporate & Community Services
Council Item No.	5.3	Department	Innovation & Council Business
Council Adoption Date	26 April 2018	Primary Author	Coordinator Corporate Planning & Council Business
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### 1. POLICY OBJECTIVE

- 1.1 Provide for reimbursement of expenses and provision of resources and facilities support for the Mayor and Councillors of the South Gippsland Shire Council that is compliant with relevant legislation, consistent with industry standards and supports the attraction and retention of Councillors from a wide cross section of people; and
- 1.2 Review and replace Councillor Support and Expenditure Policy C51 dated 27 July 2016.

This policy does not cover the payment of Mayoral and Councillor Allowances because these are subject to periodic determination by Order in Council made by the Governor in Council pursuant to section 74 of the Local Government Act 1989.

### 2. POLICY STATEMENT

Councillors are expected to minimise their use of Council resources, thereby playing their part in reducing the cost of Council services to the community.

This policy is based on:

- 2.1.1 Councillor conduct principles as prescribed by Sections 76B and 76D of the LGA.
- 2.1.2 Encouraging diversity in participation, equity and access by recognising that:
  - a. Councillors operate in a complex environment and bring unique skills and insights to the role;
  - b. Diversity in participation and access to local representation contributes to well informed decision making involving the community;
  - c. The role of Councillor should attract and retain a wide cross section of people, including those from under-represented groups;
  - d. 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;
  - e. 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;
  - f. Councillors are required to attend formal Council meetings and participate in community activities; and



- g. 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

2.1.3 Encouraging 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.

2.1.4 Supporting 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;
- 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.

2.1.5 No disadvantage, in that Mayoral and Councillor Allowances are provided separately to reimbursement of expenses and the costs of facilities / resources support.

## 2.2 Councillor Support

Council will provide the following which 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.

### 2.2.1 Minimum toolkit

The 'minimum toolkit' includes Resources - Facilities and Equipment (mandatory):

- a. Administrative support for the Mayor;
- b. Office for the Mayor;
- c. Vehicle for the Mayor;



- d. Computer - Ipad/tablet (and laptop if required) and associated chargers;
- e. Councillor accessible intranet (or equivalent eg Dashboard) as part of Council's online environment (this will be provided through the Ipad/tablet).
- f. Mobile phone (and landline only if there is inadequate mobile coverage at a Councillor's normal residence);
- g. Stationery;
- h. 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.  
  
Council resources will not be provided for personalised Ward newsletters (Council resolution 27 April 2016); and
- i. 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.

#### 2.2.2 Reimbursement:

- a. Travel – including reimbursement of public transport costs only for travel relating to Council business; (CE04 Refer Councillors' Vehicle Policy)
- b. Parking Fees (Does not include valet or personalised service parking where these costs are higher than other standard parking facilities available in close proximity);
- c. Phone – reimbursement of relevant call costs;
- d. Internet at normal place of residence (where Council internet provision is not available through the Ipad/tablet); and
- e. 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:

- 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 child/dependent care is not paid/reimbursed by the regional organisation or meeting convenor;



- iv. 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;
- v. 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.
- vi. The purpose, destination, subject matter, date and time are required to be provided to support the claim;
- vii. Approved training, conferences and seminars;
- viii. No payments will be made to a person who:
  - o Has a financial or pecuniary relationship with the Councillor; or
  - o 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
  - o 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
  - o Has a relationship as a family member as defined in section 78 of the Act.

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

- a. 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;
- b. Access to office space and furniture in the form of Councillor's room;
- c. 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;
- d. Access to Council email and internet;
- e. Council officer nominated to provide incidental (limited) support for Councillors for Council business requirements;
- f. 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;
- g. 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.



- h. 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;
- i. Payment and re-imbusement 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.
- j. Where available, use of meeting rooms owned and controlled by Council where a Councillor is in attendance;
- k. Transcripts specifying sections required of a recorded Council meeting. Requests are to be made through the CEO;
- l. Requests for Information and/or assistance from staff, beyond that provided in briefings and published on the Councillor intranet (eg Dashboard), are to be made through the relevant Director and will be managed at the Director's discretion. (refer Councillor Access to Council Information Policy 2016)
- m. Access to the Local Government Act 1989 and other legislation on-line at <http://www.legislation.vic.gov.au/>,
- n. InfoSum 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); and
- o. Business cards, name badges and a diary.

All equipment provided by Council under this policy must be returned to Council at the end of a Councillor's term of office.

Council resources are not to be used for any electioneering purposes.

### **2.3 Interstate and Overseas Travel**

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.

Overseas travel in relation to Council business requires approval by resolution of Council prior to the event.

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.

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.



## 2.4 Registering All Interstate and Overseas Travel

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):

- a. Councillor Name;
- b. Destination;
- c. Date/s of travel;
- d. Purpose of travel; and
- e. Total cost to the Council including accommodation costs.

## 2.5 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.

## 2.6 Claims for Reimbursement

Claims should be submitted to the support officer to the Mayor and Councillors for authorisation within 90 days of expenditure being incurred to ensure timely reimbursement. Claims must be made on appropriate claim forms, signed by the Councillor and with supporting documentation such as receipts and invoices. Claims that appear dubious in nature (not in line with duties as a Councillor), will be referred to the Mayor to determine if reimbursements should be made. If the claims relate to the Mayor then these would be referred to the CEO to determine. (Refer Section 75 of the Local Government Act 1989)

At the end of each Financial Year all claims, regardless if their incurred date is less than 60 days, must be submitted to the support officer to the Mayor and Councillors 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.

Late payments received after this date are to be referred to Council to approve payment in the following financial year.

## 2.7 Claims of Reimbursement in an election year

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.



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

## 2.9 Internal/External Audit Review of Claims

Support provided under this policy, including details of interstate and overseas travel, will be subject to review by the internal audit committee on an annual, or as requested, basis.

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.

## 2.10 Transparency on Expenditure and Reimbursements

A quarterly report will be presented to Council providing transparency on Councillors expenditure and reimbursements and will identify the date of the last claim submitted by each Councillor. These reports will include as a minimum: vehicle usage, accommodation, allowances, remoteness allowances, transcripts, training, conferences, travel, parking fees, mobile phone, landline, internet, printing and stationery. Other expenditure items may be added to this report at the discretion of the CEO.

Councillor expenditure claim forms for reimbursements will be published on Council's internet site to provide greater transparency to the community on the details of the claims made (refer to Council resolution 28 March 2018).

## 3. LEGISLATIVE CONTEXT

**In accordance with section 75B of the Local Government Act 1989:**

- 1) *A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees*
- 2) *A policy adopted by Council under this section must be consistent with:*
  - a. *the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide;*
  - and
  - b. *the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.*
- 3) *A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.*

The overriding principle to be addressed in the development of a Council support and expense reimbursement policy is that the details and range of



benefits provided to Councillors by the Council should be clearly stated and be fully transparent and acceptable to the local community.

The policy will be made available via Council's website.

**In accordance with Section 75 of the Local Government Act 1989:**

- 1) *A Council must reimburse a Councillor for expenses if the Councillor –
  - a. applies in writing to the Council for reimbursement of expenses; and
  - b. establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expense incurred while performing the duties of a Councillor.*
  
- 2) *In this section, “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.*

Councillor expenses are those expenses necessarily incurred by Councillors, or on behalf of Councillors, for the purpose of conducting the Duties of a Councillor, as prescribed in this policy.

Expenses incurred by Councillors relevant to their professional, business or private roles will not be reimbursed.

**In accordance with Section 75C of the Local Government Act 1989:**

*A Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed for the purposes of this section.*

**4. RISK ASSESSMENT**

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.

**5. POLICY IMPLEMENTATION STATEMENT**

Implementation of the policy will be by:

- a. Distribution of the policy to Councillors via Docs-on-Tap;
- b. Making the policy available for public inspection at the Council Office; and
- c. Publication of the policy on the Council website.





## 6. DEFINITIONS

LGA	Local Government Act 1989
Incidental	A minor number / the smallest number possible.

## 7. REFERENCE DOCUMENTS

### ***Legislative Provisions***

- Local Government Act 1989 Sections 75, 75A, 75B and 75C Local Government Act 1989
- Local Government Act (General Regulations) 2015  
*Information Guide Mayor and Councillor Entitlements reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors - November 2008*