

Councillor Expenses and Entitlements Policy 2018

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Section 75B of the Local Government Act 1989 ('the Act') provides that a Council must adopt and maintain a policy in relation to reimbursement of expenses of Councillors. This policy has been adopted to provide an overview of how the Councillors are provided assistance and support, as well as appropriate resourcing and facilities to ensure that they can effectively carry out their roles, responsibilities, duties and powers.

1. POLICY OBJECTIVE

The purpose of this policy is to establish:

- Councillors' entitlements for reimbursement of reasonable bona fide out-of-pocket expenses incurred while performing duties of a Councillor.
- Councillors' entitlements to professional development, support and resources.
- The facilities, resources and support Council considers necessary or appropriate to provide support to Councillors in the performance of their duties as a Councillor.

The policy also sets out the process for ensuring that the costs of resourcing and supporting Councillors, and the value of any expenses reimbursed, are reported to the community in a timely manner which promotes transparency and accountability.

Where required for clarification purposes this policy is intended to apply on the basis of the Mayoral term.

2. BACKGROUND

Section 74A(2) of the Act provides for payment of annual allowances to Mayors and Councillors. In addition, Councillors will be provided an amount equivalent to the superannuation guarantee. This amount may be paid into a superannuation account of the Councillor's choice or it may be taken as an addition to their allowance.

Under the Act, Councillors are entitled to resources and facilities support, and reimbursements of expenses related to their duties as a Councillor. Section 75 of the Act provides for the reimbursement of necessary out of pocket expenses incurred while performing the duties of a Councillor. Section 75(2) of the Act defines the duties of a Councillor as "duties performed by a Councillor that are necessary or appropriate for the purpose of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies."

The policy is designed to give effect to the legislative requirements under the Act and the Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources. The policy is consistent with the 'Information Guide for the Reimbursement of Expenses and Provision of Resources and Facilities support for Victorian Mayors and Councillors. A specific section is included in the policy relating to expenditure which is not claimable.

To ensure accountability the expenses and reimbursements will be reported to the Audit and Risk Committee and reported every six months at an Ordinary Council Meeting.



3. POLICY STATEMENT

This policy describes the entitlements of Councillors to facilities, resources and support necessary or appropriate to the performance of their duties as a Wyndham City Councillor.

This policy is not intended to prescribe for every possible situation that may arise. Should a situation arise that is not adequately covered by this policy, the matter will be referred to the Mayor for determination.

Any expenses, facilities support or resources not specifically addressed in this policy will be assessed by reference to Part 4, Division 1 of the Act and any prescribed regulations.

The policy should be read in conjunction with other relevant Council policies adopted from time to time, including but not limited to the Councillor Code of Conduct and specific policies regarding the use, security and maintenance of Council equipment, as adopted and or amended from time to time.

4. POLICY INITIATIVES/ACTIONS

4.1 MAYOR AND COUNCILLOR ALLOWANCES

Section 43A of the Act allows the Minister to review the allowance category for each Council.

The Minister must also have regard to movements of remuneration of executives within the meaning of the *Public Administration Act 2004* when reviewing the limits and ranges of Councillor and Mayoral Allowances (section 73B).

Changes to allowances and to the percentage increase to be applied to Councillor and Mayoral allowance limits and ranges (adjustment factor) is specified by the Minister via a public notice published in the Government Gazette. A Council is required to increase the allowances in accordance with the adjustment factor specified in the notice.

Councillor and Mayoral allowances are reviewed within the period of six months after a general election or by the next 30 June, whichever is the later, and are then set for the Council term.

A Mayor is not entitled to receive an allowance as a Councillor if she/he is receiving an allowance as a Mayor.

Section 74A(3) of the *Local Government Act 1989* states that a Council does not have to pay an allowance under section 74 to a Councillor/Mayor who does not wish to receive it.

There is no provision for a separate allowance for or legislative recognition in the *Local Government Act 1989* of the position of Deputy Mayor.

If a Councillor is appointed to act as Mayor for a continuous period exceeding 50 days, the acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance for that period.

The Councillor and Mayoral Allowances are paid monthly in advance.

Superannuation

As not all Councils have unanimously resolved to become Eligible Local Government Bodies (ELGB's) under section 221A and section 221B of the *Income Tax Assessment Act 1936* (Commonwealth), the Government now requires that the equivalent of the Superannuation Guarantee Contribution (currently 9.5%) be available for those Councillors who are not members of an ELGB (this includes Wyndham).

REPORTING OF COUNCILLORS' EXPENSES

Councillors' expenses will be reported every six months to an Ordinary Council Meeting. The same information will also be made available on Council's website for the term of the Council. The report to the Ordinary Council Meeting will be accompanied by information which provides the context and more detailed explanation of each category. The expenses report includes the following categories and expenses under each category:

TRAVEL ALLOWANCES AND COSTS

Mayoral Vehicle

- The Mayor will be provided with a motor vehicle which is fully maintained by Council for official and personal use during the Mayoral term. The motor vehicle is fully maintained to the standard specified in Council's Motor Vehicle Policy which outlines safety and environmental requirements. A fuel card and hands free mobile phone kit (if required) are provided as part of the Mayoral vehicle package.

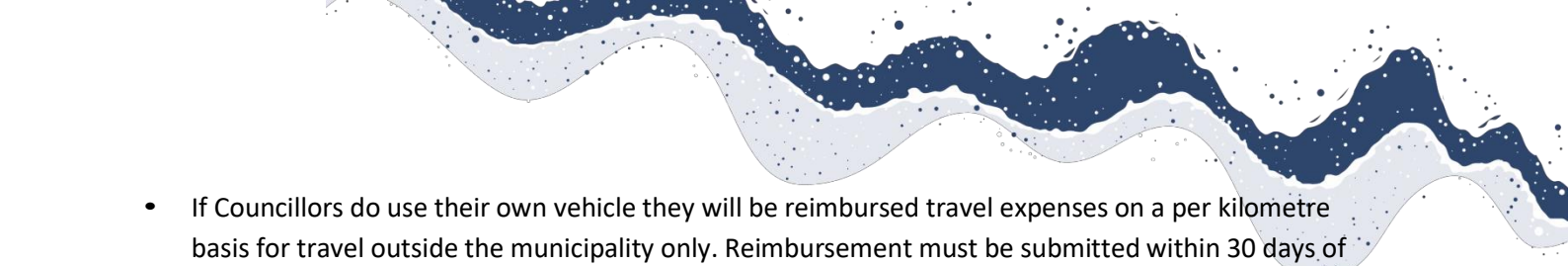
- If the Mayor of the day elects to use his/her own car, the following will apply:
 - the Mayor is responsible for all maintenance of their vehicle.
 - a fuel card will be provided.
 - the Mayor is responsible for insuring their own vehicle, and it is encouraged that their insurer is advised that their vehicle is being used for business purposes.
 - Council will not be responsible for any damage, loss or breakdown that occurs whilst private vehicles are being used for Council purposes.
 - Council will not cover or contribute to any insurance excess that may be payable.

Public Transport

- Use of public transport is encouraged and is the preferred mode of transport. Councillors will be reimbursed costs associated with the cost of public transport tickets used in conducting Council business.

Use of private vehicles by Councillors

- Councillors are encouraged to consider whether it is appropriate to use their private vehicle and to consider car pooling and public transport before deciding to use their private vehicles to carry out official duties such as attending meetings, conferences, seminars or inspections outside of the municipality to which the Councillor has been appointed as a representative of the Council.

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- If Councillors do use their own vehicle they will be reimbursed travel expenses on a per kilometre basis for travel outside the municipality only. Reimbursement must be submitted within 30 days of travel and will be in accordance with the Victorian Local Authorities Award 2001 as varied from time to time.
 - Councillors undertaking private travel arrangements in conjunction with any travel for the purpose of their duties as a Councillor, must ensure that all costs incurred for private purposes are clearly delineated and that appropriate records are maintained.

Use of Taxis

- When taxis or Uber transport is used for Council related business the appropriate receipts are required for reimbursement to be claimed. Taxis or Uber should be considered where transport is required at an interstate or international location, particularly when the numbers attending do not make the use of a hire vehicle financially efficient. Vehicles can be hired where the travel is interstate or international and the hire of the vehicle matches the needs of the situation, with the emphasis on using the least expensive vehicle that is practical for the purpose.
- Councillors will be provided with access to Cab Charge vouchers for use in the payment of taxi services associated with their civic duties, at the discretion of the CEO. Cab charge vouchers are to be fully completed, including reason for the journey.

Use of Council vehicles

- Where practicable, and by prior arrangement through the CEO, a Council vehicle may be made available to Councillors for travel outside the municipality where use of private vehicles or other means of transport is inconvenient or impractical. The requirements of Council's fleet policy apply if a Councillor uses a Council vehicle.

Tolls

- While travelling on Council business in metropolitan Melbourne, Councillors may incur tolls including those associated with the use of CityLink or EastLink. Councillors may seek reimbursement of costs associated with tolls including the use of CityLink or EastLink passes or those transactions incurred as part of existing personal e-tags accounts. Claims must be accompanied by copies of receipts or accounts detailing the individual transactions.

Car parking

- Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts and relevant details regarding the purpose, date and time of the meeting or function. Car pooling is encouraged when a number of Councillors are attending the same meeting. It is recommended that Councillors seek lowest cost options when choosing paid parking facilities.

Infringement Notices

- A Councillor will not be reimbursed the cost of any infringement incurred for road, traffic or parking violations.

4.2 COMMUNICATON EQUIPMENT, EXPENSES AND COSTS

- Councillors will be provided with appropriate communications equipment to ensure they can adequately and efficiently perform their role as a Councillor, which as a minimum can include:
 - A mobile phone fit for purpose
 - A laptop computer or equivalent
 - An internet connection (currently an allowance of \$90 per month is paid for the connection)
- The make, model and specifications of any communications equipment, the associated contract or plans, and the replacement of any communications equipment shall be at the discretion of the CEO or their delegate.
- Council will meet the reasonable purchase, installation, maintenance and service connection, subscription, rental and usage costs for all Council provided communication equipment.
- Council provided communications equipment is to be used for Council related business activities, however it is acknowledged that, on occasion, reasonable personal use may be made of communications equipment.
- All equipment remains the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement/resignation of the Councillor.
- Council will review Councillors' communications equipment and will update equipment at the commencement of each electoral term and at any stage during the electoral term where Council believes an update is appropriate and the current equipment is no longer fit for purpose.
- As all communications equipment issued to Councillors at the commencement of their term is considered fit for purpose, should a Councillor wish to alter their equipment at any time throughout their term, this will only be considered in exceptional circumstances, be required to be approved by the Mayor and the cost to do so will be highlighted against the Councillor's expenses and reported accordingly.
- All Council documents and information will be provided through the Council Dashboard. The Council Dashboard will be accessible from any internet connected device and will incorporate a number of security features so as to ensure only those with permission can access the information within it. Councillors will be responsible for ensuring that they have accessed the Dashboard and sourced the relevant documents for any meeting they are attending.



4.3 TRAINING AND PROFESSIONAL DEVELOPMENT

Council strongly supports the development and enhancement of skills required by Councillors to assist in fulfilling their responsibilities as elected representatives. There are two categories of professional development activities for Councillors - mandatory and discretionary.

In relation to mandatory professional development, Councillors are expected from time to time to attend Council or sector peak body organised events or courses for all Councillors (or nominees those who are required to attend) for skill development and networking related to a Councillor's role.

In relation to discretionary professional development, Councillors are offered other opportunities to participate in professional development courses, seminars and activities in a variety of areas of professional and personal development. The Council also offers the opportunity of participating in programs provided internally and by professional bodies, private organisations and educational institutions. More detail about sector professional development offered by peak bodies such as ALGA, the MAV and VLGA, as well as other guidance about the appropriateness of professional development activities for Councillors is included in the *Governing Wyndham Framework 2014* section titled Councillor Induction and Professional Development.

- As Council strongly supports Councillors undertaking professional development activities that assist them to perform their duties to meet the needs of the community, Councillors will commit to attending and successfully completing all scheduled activities. Council will only pay for the above sector events and courses if they are attended for no less than 75% of the scheduled time (or 100% if this is an attendance requirement), unless emergency circumstances such as illness for family emergencies occur. If a pattern of non-attendance emerges, the Mayor and CEO may decide to limit access to these events and courses.
- Non attendance at courses will be reported in the six month expenses report to Council.

Sector professional development

- For transparency and accountability purposes, Wyndham City Council will approve expenditure for these sector events and courses from the corporate Budget for the following specific purposes and will not report these expenses in the six monthly report to Council:

Mayor:

- VLGA Essential Mayors Weekend
- MAV Mayors Development Program
- MAV Councillor Development Weekend
- VLGA Essential Councillor Weekend
- ALGA General Assembly

Councillors:

- MAV Councillor Development Weekend
- VLGA Essential Councillor Weekend
- ALGA General Assembly (only 2 as Mayor would attend)

Discretionary professional development

- To develop the skills of Councillors who are expected to govern one of the largest and most complex local government businesses in Victoria, Council will cover the costs of Councillors undertaking the Company Directors Course (or equivalent) provided by the Australian Institute of Company Directors and the MAV. This is conditional on the course being successfully completed and all attendance requirements being met. This course should ideally be undertaken within the first three years of each Council term, however some flexibility may be considered due to special circumstances and a demonstration of benefit for the Wyndham community. Given that Council is strongly recommending that Councillors undertake this AICD Company Directors course, it is reasonable that Council also pay Annual Membership Fees required for Councillors to retain their status as Graduate Members but only for those years they serve as Councillors. The attendance at the training and the yearly membership fees will be included in the report to Council about the councillor expenses.

The funding limit for discretionary professional development is set at \$10,000 for each Councillor during the four year term in office to take into account the cost of the AICD (or equivalent) course. This is for budget purposes only, and these funds may be used for attendance at professional development conferences, workshops or courses; as well as membership or Continuing Professional Development costs associated with organisations and programs related to their Councillor roles. Councillors may exceed the \$10,000 limit if the professional development is deemed appropriate and has been approved by the Mayor and/or the CEO.

The funding limit for discretionary professional development in the final year in office is capped at \$3,000 for each Councillor. Councillors may exceed the \$3,000 limit if the professional development:

- Is deemed appropriate and has been approved by the Mayor and/or the CEO, or
- The Councillor commenced the professional development at any time prior to the final year in office.

Councillor Study Assistance Policy

The detailed Policy guides the reimbursement by Council (up to 50%) of course and administration fees paid to external educational providers for longer term course successfully undertaken by Councillors. These courses are part of a formal qualification. The more detailed Councillors' Study Assistance Policy also provides guidance such as the requirement for successful completion of the course.

Mentoring support for Councillors

Separate to discretionary professional development and study assistance outlined above, the CEO may from time to time and arising from a specific need/event, approve one on one professional mentoring for a Councillor. This is approved at the discretion of the CEO. The mentoring is not of an ongoing nature or a significant cost. Costs for mentoring will be included in the six monthly report to Council.



4.4 CONFERENCES AND SEMINARS

- Where a Councillor nominates to attend a conference, workshop or professional development opportunity to improve skills relevant to their role as a Councillor (other than mandatory professional development), the CEO and Mayor will review and approve the relevance of professional development. Unless a decision is made that all Councillors attend a session, the number of Councillors attending any one professional development session will be confined to a maximum of three Councillors or more at the discretion of the Mayor and CEO.
- To determine which Councillor(s) attend any specific conferences, functions and seminars the Mayor and CEO will consider:
 - The relevance of the topics to Wyndham City and portfolio responsibilities
 - The identified professional development needs of the Councillor
 - The time commitment required to attend
 - Any similar professional development which has been undertaken by the Councillor
 - The cost of the conference, function, seminar
 - The identified specific interest area of the Councillor
 - The role of the Councillor on specific advisory committees and in advocacy roles, and
 - That the opportunity to attend conferences, functions and seminars is to be shared amongst the Councillors.
- For overseas meetings, conferences, seminars, professional development or engagements a report including all relevant material must be prepared and tabled at a Council meeting within two months following attendance.
- Council will make the payment of registration fees, the main conference seminar dinner, if not covered by registration cost, together with all meals and drinks, within reasonable limits, for the duration of the conference or seminar and appropriate accommodation.
- Any additional accommodation costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor.
- If a Councillor wishes to extend their accommodation after the conference has ended, he or she is required to pay for accommodation expenses at their own cost.

4.5 STATIONERY

- The Council will provide Councillors with standard stationery held or obtained generally for the organisation's requirements. The stationery may include, but not necessarily be limited to:
 - business cards
 - name badge for use while undertaking Council business
 - name badge for Councillor's spouse/partner when he/she attends Council functions
 - writing implements; and

- writing pads
- Requests for stationery should be made via the Councillor support staff who will prepare an order requisition, which will be authorised by an appropriate officer, and an order will be placed to obtain the goods/services as soon as possible.
- Where a request is made for reimbursement of expenses incurred under this section, Council may reimburse an amount less than the amount claimed where the actual expense incurred is considered unreasonable, taking into account the estimated costs to Council to purchase similar goods.

4.6 PRINTING REIMBURSEMENT

In line with its *Environment and Sustainability Strategy 2016-2020*, Council is continually seeking to reduce its carbon footprint. One key factor contributing to this footprint is the volume of paper and toner consumed by Council. Accordingly, Council provides all Councillors with electronic access to its Agendas via their laptops.

Councillors are able to use the printing facilities at the Civic Centre if they require hard copies of documents. Also, each Councillor will be reimbursed for printing costs related to Council business. An expenses reimbursement form and receipts are to be submitted for all such printing expenses including toner and paper.

A hard copy printing allowance of \$800.00 per annum, per Council term is available for Councillors who wish to:

- purchase a printer
- purchase paper and toner to print documents and information.

4.7 CHILDCARE / FAMILY CARE EXPENSES

- Councillors are entitled to have paid by Council or reimbursed, the cost of childcare/family care expenses incurred by Councillors for immediate family members, elderly or infirm or children (up to 16 years of age), whilst discharging their duties as a Councillor within the scope of this policy, subject to the following conditions:
 - The maximum hourly rate a Councillor will be reimbursed for childcare/family care expenses is twenty dollars (\$20) per hour indexed annually to CPI at the commencement of each Mayoral term.
 - Childcare/family care costs must be substantiated by a receipt or tax invoice from the caregiver showing the dates and times the care was provided, with the Councillor to demonstrate why the care was required on each occasion.
 - Childcare/family care costs are not eligible to be paid by Council, or reimbursed if the caregiver is part of the Councillor's immediate family (eg: partner, mother/father, sister/brother, grandmother/grandfather, or sister-in-law/brother-in-law) or who normally or regularly lives with the Councillor.



4.8 ATTENDANCE AT CIVIC FUNCTIONS, MEETINGS AND EVENTS

- Councillors will be invited to attend civic functions, meetings and events during the Council term. Invitations will be accepted where the Councillor has been invited in their capacity as a Councillor and there is a clear link to Wyndham and Council business.
- In instances where a substantial number or all Councillors have been invited to attend and there is an associated cost to Council the invitations will be accepted upon approval by the Mayor and CEO.
- Council will pay the cost of a Councillor's spouse/partner attending when a Councillor is invited to an event in their official capacity and where representation by the Councillor is required. When attendance is optional Council will not pay the cost of a Councillor's spouse/partner attending.
- Subject to the above where a Councillor's spouse/partner attends a civic function, Councillors are entitled to have paid by Council, or reimbursed, their spouse or partner's:
 - registration fees; and
 - reasonable costs for meals and refreshments.
- All expenses related to attendance will be reported as part of Council's six monthly expenses report to Council.

4.9 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

- Professional memberships that are reasonable bona fide out of pocket Councillor expenses are:
 - Australian Institute of Company Directors
 - Municipal Association of Victoria
 - Victorian Local Governance Association
 - Australian Local Government Women's Association
- Other individual memberships, professional associations or subscriptions which are considered demonstrably beneficial to Council or the performance of the duties of a Councillor may be reimbursed subject to approval by the Mayor and CEO.
- These memberships will be included in the six monthly expense report to Council.
- In circumstances where a membership extends beyond the current term of the Councillor, membership fees will only be funded in proportion to the remainder of the term.

4.10 ADMINISTRATIVE SUPPORT FOR THE MAYOR AND COUNCILLORS

- The Chief Executive Officer shall provide an appropriate level of administrative support to the Mayor and Councillors.
- The level of administrative support shall be determined by the Chief Executive Officer.

4.11 INSURANCE/WORKERS COMPENSATION COVER

- Councillors are covered under the following Council insurance policies while discharging, in good faith, the duties of the civic office including attendance at meetings of external bodies as Council representatives:
 - Public Liability;
 - Professional Indemnity;
 - Councillors' and Officers' Liability;
 - Personal Accident Insurance (accompanying partners are also covered); and
 - Workers Compensation Cover.
- The Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

4.12 COUNCILLORS WITH ILLNESS OR DISABILITIES

- The Council may resolve to meet reasonable additional expenses to assist a Councillor with an illness or disability to perform his/her duties as a Councillor, following appropriate guidance from a medical professional.

4.13 MISCELLANEOUS SUPPORT AND EXPENSES

- Councillors must advise councillor support officers in advance when meetings are being attended (in business hours or outside business hours) by Councillors.
- Councillors are entitled to a security card enabling appropriate business access to Council offices, Council Chamber, Councillors' Meeting Rooms 1 and 2 and Mayor's office (as appropriate).
- Councillors, via their security card will have access and the ability to use printing, scanning and faxing equipment.
- A suitably equipped Mayoral office shall be provided within the Council offices.
- A suitably equipped Councillors' room shall be provided for use by Councillors within the Council offices.
- Subject to availability, other Council meeting rooms may be booked by Councillors, provided the Councillor is in attendance and the use is necessary or appropriate for performing the duties of a Councillor or the conduct of Council business.
- The space and equipment for the Mayoral Office and Councillors' room shall be at the discretion of the Chief Executive Officer.
- Where Council briefings or meetings are held at times which extend through normal meal times, Council will provide suitable meals served on the premises.



4.14 OTHER EXPENDITURE NOT SPECIFIED

- Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where Council resolves that a claim is a reasonable bona fide expenditure.
- At the approval of the Mayor and CEO, a Councillor may be reimbursed for expenses incurred in circumstances not provided for elsewhere in the Policy.
- A Councillor must not request payment or reimbursement for expenses relating to their;
 - own business;
 - own employment; and
 - election campaign.

5. PROCEDURAL GUIDELINES

- Claims are to be submitted on the required form via Councillor Support staff to the Manager Corporate Affairs.
- Claims should be accompanied by original receipts/tax invoices for any expenses claimed which clearly identify the name of the payee and ABN where applicable.
- If receipts cannot be produced, Councillors may be required to provide a statutory declaration.
- Claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed, is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor.
- Councillors are required to submit claims in a timely manner to ensure transparency and timely accountability.

6. REVIEW

- This policy will be reviewed within 12 months of each general election unless the Council determines that an earlier review is required.

7. RELATED DOCUMENTS

- Governing Wyndham Framework 2014
- Councillor Code of Conduct 2016
- Environment & Sustainability Strategy 2016-2040