

# Councillor Expenses and Entitlements Policy 2020

## Document Control

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## 1. PURPOSE

This policy supports councillors and members of delegated committees to perform their role. Section 41 of the *Local Government Act 2020* ('the Act') provides that a Council must adopt and maintain a policy in relation to reimbursement of out-of-pocket expenses of Councillors and members of delegated committees. 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.

## 2. POLICY OBJECTIVE

The purpose of this policy is to establish:

- Councillors' reimbursements of reasonable bona fide out-of-pocket expenses incurred while performing duties of a Councillor.
- Councillors' access to professional development, support and resources.
- The facilities, resources and support Council considers necessary or appropriate to provide 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 to promote transparency and accountability.

Where required for clarification purposes, this policy is intended to apply based on the Mayoral year and not the calendar year

## 3. DEFINITIONS

**Carer**

A carer is defined under section 4 of the *Carers Recognition Act 2012*

**Delegated Committee**

Delegated committees are defined under section 63 of the *Local Government Act 2020*

## 4 BACKGROUND

Section 39 of the Act provides for payment of annual allowances to Mayors and Councillors in accordance with a determination of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019. In addition, Councillors are to 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 40 of the Act provides for the reimbursement of reasonable bona fide out-of-pocket expenses incurred while performing the duties of a Councillor.

This policy is designed to give effect to the legislative requirements under the Act and the determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.

## 5. POLICY STATEMENT

This policy describes the provision of facilities, resources and support necessary or appropriate to the performance of duties carried out 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 and CEO for determination.

This policy should also 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 and procedures regarding the use, security and maintenance of Council equipment.

## 6 POLICY INITIATIVES/ACTIONS

### 6.1 MAYOR AND COUNCILLOR ALLOWANCES

Under Section 39 of the *Local Government Act 2020*, the allowance for Mayor, Deputy Mayor and Councillors will be set by the Victorian Independent Remuneration Tribunal, established under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

The Tribunal is expected to make its first Determination in relation to Mayor and Councillor allowances following the Local Government General Election 2020. Until then, the Act sets out that allowances are determined by the Minister for Local Government under sections 73B, 74 and 74B of the *Local Government Act 1989*.

A maximum allowance amount for each of these positions. Council can then determine to pay any amount up to the maximum for each of these positions

A Mayor, Deputy Mayor or Councillor may elect to receive the entire allowance adopted by Council or a specified part of the allowance.

Section 39(5)(c) of the Act states that a Council does not have to pay an allowance under section 39 to a Councillor/Mayor/Deputy Mayor who does not wish to receive it.

A Mayor or Deputy Mayor is not entitled under section 39(3) to receive an allowance as a Councillor in addition to the Mayoral or Deputy Mayoral allowance.

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.

#### **Superannuation**

Mayoral and councillor allowances are also subject to the addition of the equivalent of the superannuation guarantee (9.5%).

## 6.2 TRAVEL EXPENSES

### Mayoral Vehicle

- The Mayor can elect to make use of a Council vehicle which is fully maintained by Council for official and personal use during the Mayoral term. The Mayoral 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) can be provided as part of the Mayoral vehicle package. The Mayoral vehicle should be used in preference to other less cost-effective forms of transportation, such as Cabcharge. The Mayoral vehicle is to be returned to the CEO or delegate, at least 48 hours prior to the conclusion of the Mayoral term.
  
- 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 to advise their insurer that their vehicle is being used for private and non-private purposes.
  - Council will not be responsible for any damage, loss or breakdown that occurs whilst private vehicles are being used for Council purposes; and,
  - 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 for local travel. Councillors will be reimbursed costs associated with the cost of public transport tickets used in conducting Council business.

### Use of Taxis and Ride Share Services

- Taxis or ride share services should be considered where public transport is not practicable or 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 have access to Cab Charge vouchers for use in the payment of taxi services associated with the performance of their duties as a Councillor, at the discretion of the CEO. Cab charge vouchers are to be fully completed, including details of the reason for the journey.
- Where taxis or ride share services are used for Council business, the associated receipts are required to be submitted as part of the reimbursement process.

### 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. Credit card statements are not enough proof of car parking use if there is not a receipt. In this case a Statutory declaration would be required.
- Carpooling is encouraged when several 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.

## **6.3 CAR MILEAGE EXPENSES**

- Councillors are encouraged to consider whether it is appropriate to use their private vehicle and to consider carpooling 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.
- If Councillors do use their own vehicle, they may 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 are required to specify and pay for these expenses separately and maintain appropriate records.

## **6.4 INFORMATION AND COMMUNICATION TECHNOLOGY EXPENSES**

- 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 the CEO deems an update is appropriate and/or 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 CEO 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.

## 6.5 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** professional development – Councillors may be asked to attend Council or sector peak body organised events or courses. These are generally for skill development and networking related to a Councillors role.

**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.

- 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 and possibly require the Councillor to meet the training costs.

### **Discretionary professional development**

- To develop the skills of Councillors whose function is to provide strategic oversight and direction to 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 (and preferably convened in

conjunction with a peak local government body such as the MAV).

This is conditional on the attendance requirements of the course 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 Council term in office to consider 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 the CEO.

A register of Councillor attendance at conference, seminars and training sessions will be kept and available for public viewing, upon request.

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 the CEO, or
- was commenced by the Councillor 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 quarterly report to Council.

## **6.6 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.
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- 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.

## 6.7 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.
- Approval for supply of materials under this section will have regard to reasonable levels of supply commensurate with the duties of Councillor.
- 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, considering the estimated costs to Council to purchase similar goods.



## 6.8 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

- Professional memberships that are reasonable bona fide out of pocket Councillor expenses include:
  - Australian Institute of Company Directors
  - 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.
- 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.

## 6.9 PRINTING

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 have access 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.

## 6.10 CHILDCARE EXPENSES

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role in accordance with s.41(2)(c).

This applies to the care of a dependent, while the councillor or delegated committee member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.

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.

Payments for carer services will not be made to a person who resides with the councillor or delegated committee member; has any financial or pecuniary interest with the councillor or delegated committee member; or has a relationship with the councillor, or delegated committee member or their partner.

## **6.11 CARERS EXPENSES**

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a councillor delegated committee member who is a carer (see definitions) incurs reasonable expenses in the performance of their duties in accordance with s.41 (2)(d).

Payments for carer services will not be made to a person who resides with the councillor or delegated committee member; has any financial or pecuniary interest with the councillor or delegated committee member; or has a relationship with the councillor, or delegated committee member or their partner.

## **6.12 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 quarterly expenses report to Council.

## **6.13 ADMINISTRATIVE SUPPORT FOR THE MAYOR AND COUNCILLORS**

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

## **6.14 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 actions taken in good faith in relation to Council business where a claim is accepted by Council's insurers, whether defended or not.

## **6.15 COUNCILLORS WITH ILLNESS OR DISABILITIES**

- The Council, following advice from the CEO, 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.

## **6.16 MISCELLANEOUS SUPPORT AND EXPENSES**

To ensure:

- access to meeting rooms; and,
- compliance with Assembly of Councillor obligations under the Act

Councillors must advise Councillor Support officers of any additional meetings and events in advance to ensure their diary is up to date.

- Councillors are provided with a security card enabling appropriate business access to the Civic Centre, 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 associated with their role as a Councillor.
- A suitably equipped Mayoral office shall be provided within the Council offices.
- A suitably equipped Councillors' room shall be provided at the Civic Centre for use by Councillors.
- Subject to availability, other Council meeting rooms may be booked via Councillor Support, for use by Councillors carrying out their duties.
- The space and equipment made available for the Mayoral Office and Councillors' room shall be at the discretion of the CEO
- Where Council briefings or meetings are held at times which extend through normal mealtimes, Council will provide suitable meals served on the premises.

## **6.17 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 reasonable bona fide out-of-pocket expenses incurred while performing duties as a Councillor 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; or
  - election campaign.

## **7. PROCEDURE**

- Claims are to be submitted on the required form via Councillor Support staff to the Executive Manager Corporate Affairs or CEO
- 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 within one month of expenditure being incurred to ensure transparency and timely accountability.

## **8. MONITORING, EVALUATION AND REVIEW**

Quarterly reports of all councillor and delegated committee member expenses will be provided to council, and the council's Audit and Risk Committee.

The report will include:

- Expenses incurred by councillors during the quarter
- Reimbursements made by councillors during the quarter

Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.

A period review of the policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

## **9. RELATED DOCUMENTS**

- Council Policies and strategies
- Governance rules
- Public Transparency Policy
- Governance Framework
- Information privacy policy
- Councillor Code of Conduct 2017
- Environment & Sustainability Strategy 2016-2040
- Councillor Study Assistance Policy 2013
- Wyndham Integrated Transport Strategy 2016

## **10. LEGISLATION**

- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*
- *Gender Equity Bill 2020*