

Strathbogie Shire Council

# Councillor Expenses Policy

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December 2024

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# Councillor Expenses Policy

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Responsible Officer:	Director People and Governance

## PART 1 POLICY

### 1. PURPOSE

This policy supports Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020*, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:

- entitlements.
- processes for reimbursement.
- reporting requirements.

The policy is intended to ensure that Councillors and members of delegated committees are supported to perform their duties without disadvantage and ensuring appropriate use of public funds.

## 2. APPLICATION OF THIS POLICY

This policy applies to all Strathbogie Shire Councillors, members of delegated committees and staff responsible for administering the reimbursement process.

## 3. DEFINITIONS

Term	Meaning
Act	<i>Local Government Act 2020</i>
Authorised Meetings and Functions	Meetings and activities or bodies to which a Councillor is formally appointed by the council, including, delegated Committees, Advisory Committees and representative bodies or as directed by the Mayor.
Councillor	A person who holds the office of member of council
Councillor Expenses	Expenses incurred in the performance of council duties as described in section 41 of the <i>Local Government Act 2020</i> and eligible for reimbursement
Carer	A carer is defined under section 4 of the <i>Carers Recognition Act 2012</i> .
Delegated Committee	Delegated committees are defined under section 63 of the <i>Local Government Act 2020</i> . For example, Audit and Risk Committee.
Duties as a Councillor	The duties of a Councillor include those that are defined in the <i>Local Government Act 2020</i> , as the 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.
Personal Expenses	Out of pocket expenses incurred by Councillors that are not related to their duties as a Councillor. This may include attendance at an event in a personal capacity and not as a council representative.

## 4. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> <li>• Understand and comply with the policy and its procedures</li> <li>• Review and adopt the policy as required</li> <li>• Submit forms and information supporting expense claims as required</li> </ul>

Director People and Governance	<ul style="list-style-type: none"> <li>• Oversight and implement the policy</li> <li>• Submit a quarterly report on Councillor expenses to the Audit and Risk Committee</li> </ul>
Audit and Risk Committee	<ul style="list-style-type: none"> <li>• Review the policy as required</li> <li>• Provide independent oversight of quarterly Councillor expense claims</li> </ul>
Executive Assistant to the Chief Executive Officer	<ul style="list-style-type: none"> <li>• Receive expense claim forms</li> <li>• Validate the accuracy the information in the claim forms</li> </ul>
Finance Department	<ul style="list-style-type: none"> <li>• Process approved expenses in a timely manner</li> </ul>

## 5. ACTIVITIES ELIGIBLE FOR REIMBURSEMENT

For the purpose of this policy the duties of a Councillor are deemed to include Councillor attendance at meetings and functions that have a demonstrable benefit to the community in that the attendance is necessary to assist the Council to:

- achieve its key commitments under the Council Plan; and/or
- meet its role, functions, and responsibilities.

Examples include:

- meetings of the Council or its committees.
- meetings, briefing sessions and civic or ceremonial functions convened by the Mayor, Councillor, or the Council.
- meetings of community groups, organisations, and statutory authorities to which a Councillor has been appointed as a Council representative.
- a meeting, function, or other official role as a representative of the Mayor or the Council.

### Expense Types

Travel	<ul style="list-style-type: none"> <li>• When attending events that form part of the Councillors' official duties or professional development, Councillors will be provided with a Council vehicle or may choose to use public transport.</li> <li>• Use of a Council vehicle must be in accordance with Council's Motor Vehicle Policy and related documents including Conditions of Use.</li> <li>• A personal vehicle may be used if a pool vehicle is not available, or its use is unreasonable or impractical.</li> </ul>
Private Vehicle Use	<p>Councillors using a private vehicle to carry out official Council duties will be reimbursed travel expenses:</p> <ul style="list-style-type: none"> <li>• at the per kilometre business rate set by the Australian Taxation Office, and</li> <li>• may be eligible be paid remote travel (allowance) more than 50kms away from their primary residence.</li> </ul> <p>The reimbursement of private vehicle expenses will be calculated using:</p> <ul style="list-style-type: none"> <li>• a completed logbook submitted by the Councillor or</li> <li>• the most direct route using a mapping system, or</li> </ul>

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	<ul style="list-style-type: none"> <li>• if reasonable alternative modes of transport are more cost effective, the reimbursement will be limited to the cost of the alternative mode.</li> </ul>
Carer And Dependent Related Expenses	<p>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.</p> <p>This also applies to the care of dependent/s, 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.</p> <p>Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillors or delegated committee member who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties.</p> <p>Payments for carer and childcare 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, delegated committee member or their partner.</p>
Overseas travel	<p>Council will fund overseas travel in accordance with the relevant Council resolution determined in an open meeting of Council.</p> <p>The proposal presented to Council for its consideration must include specific details regarding the objectives of the travel, its potential community benefits, and detailed costing.</p>
Accommodation	<p>Council will pay for accommodation for Council business or professional development if fatigue or driver safety is a reasonable concern.</p> <ul style="list-style-type: none"> <li>• Accommodation within the municipality will need approval by the Chief Executive Officer.</li> <li>• The standard of accommodation will include a standard room or four-star equivalent.</li> </ul>
Meal Allowance	<p>If traveling for Council business or attending professional development, Councillors may be entitled to claim reimbursement of reasonable cost of meals, excluding alcohol. Council will pay for or reimburse the actual cost to a maximum, upon production of a Tax receipt:</p> <ul style="list-style-type: none"> <li>• Breakfast: \$34</li> <li>• Lunch: \$34</li> <li>• Dinner: \$57</li> </ul>
Partner reimbursement	<p>Council events may include the invitation for a Councillor’s partner. In this case, the costs of the partners’ attendance will be met by council where reasonable as determined by the CEO in consultation with the Mayor</p>
Professional memberships	<p>Councillors may be eligible to have professional memberships reimbursed by Council if the CEO determines that the membership will directly benefit the Council.</p> <p>A Councillor may request a contribution to the cost of the professional membership. Council will consider the request upon receipt of the paid tax invoice provided by the Councillor and with completion of Councillor’s Reimbursement Form.</p>

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Legal Advice	Council will not cover any personal legal expenses incurred by a councillor, excluding requests for legal advice around possible conflicts of interest or other legal matters relating to the discharge of Councillor duties.
Conference and Professional Development Expenses	<p>Each Councillor may attend conferences and training within the allocated annual training budget adopted by Council without approval from the Chief Executive Officer or a resolution from Council.</p> <p>Once this allocation is exhausted a resolution of Council is required to approve additional expenditure. A Councillor Conference and Training Attendance Form must be completed and forwarded to the Chief Executive Officer to support the Council report requesting funding.</p> <p>Payment of registration fees for external conferences/seminars, accommodation, flights or train tickets and other incidentals such as conference dinner bookings must be processed through the Chief Executive's Office and attributed to the councillor conference and training cost centre.</p> <p>When booking accommodation, only the cost of a standard room will be covered by Council.</p> <p>This section excludes any mandatory Councillor, Mayoral or Deputy Mayor induction or regular professional development training for Councillors as required as part of the Local Government (Governance and Integrity) Amendment Regulations 2024</p>
Councillors With Disabilities	Council will meet reasonable additional expenses to assist a Councillor with a disability to perform their duties as a Councillor in accordance with legislations.
Indemnity	<p>Section 43 of the Act requires Councillors to be indemnified against all actions or claims whether arising during or after their term of office in respect of anything necessarily done or reasonably done or omitted to be done in good faith:</p> <ul style="list-style-type: none"> <li>• in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act; or</li> <li>• in the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act.</li> </ul> <p>Councillors are responsible for their own personal behaviour / accountabilities when attending Council authorised functions and are subject to their own personal liability.</p> <p>Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where Council has a liability.</p> <p>Councillors need to be mindful that Council's insurance policies cannot cover a Councillors' own private liability responsibilities, nor damage to or loss of personal possessions.</p>
Other Expenditure	Any expenditure not specified in this policy will be the responsibility of the Councillor, except where the Chief Executive Officer grants approval.

## **Mayor, Deputy Mayor, and Councillor Allowance**

A Mayor, Deputy Mayor or Councillor is entitled to receive from the Council an allowance in accordance with a Determination of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

Allowances are taxable income, and Councillors should put in place their own processes for documenting claimable expenses.

If an elected Councillor fails to complete and declare their completion of Councillor induction training their allowance will be withheld until completed.

A Mayor, Deputy Mayor or Councillor may choose to forego part or all of their allowance.

## **6. ACTIVITIES NOT ELIGIBLE FOR REIMBURSEMENT**

Where the activity is attended by a Councillor:

- on a voluntary basis; or
- without prior authorisation or delegation of the Chief Executive Officer; or
- where there is no resolution or policy position of the Council in support of attendance,

then the activity will not be deemed to be “performing duties as a Councillor or delegated committee member” and associated costs should be considered to be met from the Councillors remuneration.

Where there is uncertainty as to whether costs should be met from the Councillors remuneration the matter will be referred to the Chief Executive Officer for determination.

The payment of Councillors’ remuneration and reimbursement of Councillor expenses may have taxation implications, which are the responsibility of individual Councillors.

### **Council Will Not Reimburse**

- Parking, traffic, or other fines and penalties.
- Costs associated with the purchase of alcohol.
- Expenses normally recoverable from a third party.
- Expenses that are not incurred for council purposes.
- Late payment interest on credit cards.
- Claims made more than five business days after the date of the expense was incurred unless authorised by the Chief Executive Officer.
- Expenses such as consumption of minibar items incurred while staying in.

## **7. REQUIREMENTS FOR CLAIMING REIMBURSEMENT**

Section 40 and 41 of the Act defines the base requirements for Councillors seeking reimbursement of expenses.

### **Process**

This policy requires applications for reimbursement to be made in writing.

In seeking reimbursement, Councillors must ensure:

- Claims are to be submitted within ten business days after the expense has been incurred.

- Claims include sufficient detail to demonstrate that the expense for which reimbursement is being claimed is a reasonable bona fide expense incurred while performing their council duties.
- Applications are made in writing using the Councillor Expense Reimbursement form.
- Claims are accompanied by original receipts and/or tax invoices which clearly identify the name of the payee and ABN where applicable.
- If receipts cannot be produced, a statutory declaration must be provided.

### **Reimbursement Claim Period**

Council will not reimburse claims made outside of the timeframes specified.

If a Councillor does not claim an expense within the designated timeframe, the expense cannot be claimed as an additional amount for an alternate expense.

## **8. ACCESS TO FACILITIES AND RESOURCES**

Councillors will be provided with the following support in performing their duties as a Councillor:

- Tablet computer (or equivalent as agreed by Chief Executive Officer) including data allowance)
- Mobile phone
- Stationery
- Access to copier/printer/scanner located at either Euroa or Nagambie offices
- Name badge
- Business cards
- Access to meeting rooms/office
- Access to a pool vehicle
- Personal protective equipment
- Vehicle including fuel card (Mayor)

### **Administrative Support**

All Councillors will be provided with appropriate administrative support.

## **9. MONITORING AND REPORTING**

Quarterly reports of all Councillor and delegated committee member expenses will be provided to an open meeting of Council, and the Council's Audit and Risk Committee. The report will include:

- expenses incurred by Councillors during the quarter.
- reimbursement claims made by Councillors during the quarter.

Audits of Councillor expenses and reimbursements may be carried out from time to time as part of Council's annual audit program. Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.



## 10. RELATED POLICIES AND LEGISLATION

### Legislation

- *Recognition Act 2012*
- *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*
- *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 Equality Act 2020*

### Council Related Documents

- Transparency Policy
- Fraud Prevention and Control Policy
- Gifts, Benefits and Hospitality Policy
- Governance Rules
- Audit and Risk Committee Charter

## 11. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

## 12. HUMAN RIGHTS CHARTER

This policy has been reviewed against and complies with the *Charter of Human Rights and Responsibilities Act 2006* by providing the resources necessary to enable individuals to take part in public life and equally perform their duties as elected representatives.