

Moira Shire Council

Councillor Expense and Support Policy

Policy type	Council
Version Number	2
Responsible Director	Director Corporate Performance
Responsible Officer	Manager Governance & Performance
Date adopted by Council	25 September 2024
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Administrative changes do not materially alter the document (such as spelling/typographical errors, change to the name of a Council department, a change to the name of a Federal or State Government department). Administrative updates can be made in accordance with the Policy Framework Guidelines.

PURPOSE

This policy supports Councillors/Administrators 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/Administrators and members of delegated committees are supported to perform their duties without disadvantage and ensuring appropriate use of public funds.

SCOPE

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

DEFINITIONS

Term	Definition
Councillor	A person who holds the office of member of Council as defined in the <i>Local Government Act 2020</i> . Including Administrators in accordance with <i>Local Government (Moira Shire Council) Act 2023</i> .
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 the council representative.
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 2020</i> .
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.
Delegated Committee	Delegated committees are defined under section 63 of the <i>Local Government Act 2020</i> . For example Audit & Risk Committee.
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.

POLICY STATEMENT

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

<p>Carer and dependent-related expenses</p>	<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>
<p>Overseas travel</p>	<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>
<p>Accommodation</p>	<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"> • Accommodation within the municipality will need approval by the Chief Executive Officer. • The standard of accommodation will include a standard room or four-star equivalent.
<p>Meal Allowance</p>	<p>If traveling for Council business or attending professional development, Councillors may be entitled to claim reimbursement of reasonable cost of meals, excluding alcohol.</p> <p>Council will pay for or reimburse the actual cost to a maximum of:</p> <ul style="list-style-type: none"> • Breakfast: \$30 • Lunch: \$30 • Dinner: \$50
<p>Partner reimbursement</p>	<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.</p>
<p>Professional memberships</p>	<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>

<p>Legal Advice</p>	<p>Council will only meet legal expenses incurred as a result of a Councillor executing their official duties. Councillors need to be aware of their role and responsibilities under the <i>Local Government Act 2020</i>.</p> <p>If a Councillor requires legal advice in connection with their function as Councillor:</p> <ol style="list-style-type: none"> 1. The Councillor may submit a Notice of Motion requesting that Council facilitate and fund such legal advice; or 2. The Chief Executive Officer may facilitate such legal advice and confirm that Council will meet expenses if: <ol style="list-style-type: none"> a) appropriate to do so taking into the consideration the same criteria used by Council (below); and b) the Councillor requirement for legal advice cannot be deferred until the lodgement or consideration of a Notice of Motion. 3. Council will evaluate any requirement by a Councillor for legal advice against the following criteria: <ol style="list-style-type: none"> a) the extent to which the subject-matter of the advice required relates to the Councillor functions as a Councillors; b) the extent to which the subject-matter of the advice required relates to a matter before council or the representative role as a Councillors; c) the extent to which the subject-matter of the advice required will or is likely to be of interest to all Councillors; d) the public interest; and e) any other relevant considerations. 4. In the event that legal advice relates to a writ, action or pending action against a Councillor or Councillors, the Councillor or Councillors must supply a copy of the writ or action or provide the information which may lead to an action to the Chief Executive Officer, who will advise Council's insurers as soon as possible, in accordance with Council's insurance policy conditions.
<p>Other Expenditure</p>	<p>Any expenditure not specified in this policy will be the responsibility of the Councillor, except where the Chief Executive Officer grants approval.</p>

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 accommodation.
- Any unlawful or accidental damage caused in an accommodation venue.

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 five 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.

ACCESS TO FACILITIES AND RESOURCES

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

- Tablet computer (including data allowance)
- Mobile phone (optional)
- Stationary
- Access to copier/printer/scanner
- Name badge
- Business cards
- Administration support
- Access to meeting rooms
- Access to Pool vehicle
- Personal Protective Equipment
- Office
- Vehicle including fuel card (Mayor)

ADMINISTRATIVE SUPPORT

All Councillors will be provided with appropriate administrative support.

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.

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

ORGANISATION RESPONSIBILITIES

Moirā Shire Council is publicly accountable for the use of its funds and all staff exercising financial authority under delegation have the responsibility for ensuring that approvals accordance with Council's policies.

RELATED LEGISLATION

Carers 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

Local Government (Moirra Shire Council) Act 2023

Privacy and Data Protection Act 2014

Equal Opportunity Act 2010

Gender Equality Act 2020

RELATED POLICIES AND PROCEDURES

Public Transparency Policy

Fraud Prevention and Control Policy

Governance Rules

REFERENCES

Administrator Code of Conduct

Governance Rules

Audit & Risk Committee Charter

Motor Vehicle Policy and Conditions of Use for a Council Motor Vehicle

DOCUMENT REVISIONS

Version	Summary of Changes	Approved by	Date
1	New Councillor Expense and Support Policy developed to comply with Local Government Act 2020.	Council	26/08/2020
2	Scheduled policy review.	Council	25/09/2024