

## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Councillor Support</b>
<b>Council Policy ref. no:</b>	18.5
<b>Responsible Department:</b>	Corporate and Community Services
<b>Date of adoption/review:</b>	22 October 2014

### 1. BACKGROUND

Under the *Local Government Act 1989* (the Act), Councillors are entitled to resources and facilities, support and reimbursement of expenses related to their duties as a Councillor.

The Act requires Council to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees and sets out the minimum tool kit of resources and facilities for Councillors.

This policy has been developed with reference to the Act and:

- Recognition and Support, the Victorian Government's policy statement on Local Government Mayoral and Councillor Allowances and Resources - April 2008 (Recognition and Support); and the
- Victorian Government's Information Guide on Mayor and Councillor Entitlements – Reimbursement of Expenses and Provision of Resources and Facilities Support for Victorian Mayors and Councillors November 2008.

### 2. PURPOSE

To outline the resources, facilities and support available to Councillors to enable them to fulfil their responsibilities as elected members of the community. These include:

- Allowances paid to the Mayor and Councillors;
- Mayoral vehicle;
- The facilities, resources and support Council considers necessary or appropriate to provide support to Councillors in the performance of their duties as a Councillor; and
- The circumstances under which Council will make payment for –
  - professional development;
  - reimbursement of travel expenses; and
  - reimbursement of other expenses.

### **3. POLICY**

Councillors will be provided with resources, support and access to facilities to assist them to fulfil their responsibilities as elected members of the community.

### **4. SCOPE**

This policy applies to all Councillors.

### **5. APPLICATION**

The provision of facilities, resources and support to Councillors and the expenses paid or reimbursed for Councillors will be made on an equitable basis.

Duties performed for the purposes of achieving the objectives of Council having regard to any relevant Act, Regulations, Ministerial Guidelines and Council policies, Councillors are entitled to access facilities, support and resources as described in this policy and the *Local Government Act 1989*. These include:

- Attending Ordinary and Special Council meetings, meetings of Committees of Council, formal briefing sessions and civic or ceremonial functions convened by the Council, the Mayor or the Chief Executive Officer.
- Attending meetings or workshops scheduled by the Council, the Mayor or the Chief Executive Officer.
- Participation in site inspections or meetings, or participating in delegations or deputations to which the Councillor has been duly appointed as a representative of Council.
- Attending a meeting or function as the nominated representative of Council or the Mayor.
- Attending meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate or the nominated representative of Council.
- Attendance at site inspections or meetings arranged by Council relevant to a matter which is, or is anticipated to be the subject of a decision of Council.
- Attending seminars, training or professional development courses as an attendee and/or speaker and which:
  - contribute to the development of personal and professional skills or knowledge of the Councillor which are necessary for the performance of the duties of a Councillor; and
  - Are consistent with Council's objectives; and
  - Will cover or present material with application/importance/relevant to current or future issues faced by the Council; and
  - Are within the Councillors annual budget allocations for the provision for seminars and training.
- Attending conferences as an attendee and/or speaker as Council's nominated representative or delegate and which:
  - are consistent with Council's objectives; and

- will cover or present material with application/importance/relevance to current or future issues faced by the Council; and are within the Councillors annual budget allocations for the provision for conferences and seminars.

## **6. GUIDELINE**

The 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 Chief Executive Officer for determination.

The fundamental test to be applied in determining whether or not a Councillor expense is appropriately incurred is whether the expenditure is necessary because it is supplemental or incidental to, or consequent on the exercise of Council duties.

- Expenses incurred by Councillors when acting in a private capacity will not be reimbursed or paid.
- Any costs incurred by a Councillor which are not covered specifically within this policy will not be met, unless the Councillor has received prior written authorisation from the Chief Executive Officer.
- Supporting evidentiary documentation will be required for all Councillor expense reimbursement and payments.
- Reference to the Chief Executive Officer throughout this policy will extend to his or her delegate.

## **7. COUNCILLOR ALLOWANCES/REIMBURSEMENTS**

### **7.1 Mayor and Councillor Allowance**

Section 74 of the Act allows the Governor in Council to set allowances for the Mayor and Councillors.

- The most recent Order in Council sets out specific annual Mayor and Councillor allowances based on three categories of Council. Colac Otway is known as a category 2 municipality therefore the range for a Mayor and Councillor allowance is limited to the category 2 range, plus the amount equivalent to the Superannuation Guarantee (currently 9%) where applicable.
- Council will increase allowances in accordance with any adjustment factor gazetted by the Minister for Local Government each year, as required under the Act.
- Mayor and Councillor allowances will be paid 4 weekly in arrears and the allowances will be set following each municipal general election.
- Mayor and Councillors allowances are taxable income and Councillors should put in place their own processes for documenting claimable expenses. Any personal taxation implications from the receipt of allowances are the responsibility of individual Councillors.

## **7.2 Mayor's Vehicle**

A fully maintained vehicle will be provided to assist the Mayor to carry out his/her duties and for private use during the Mayoral term. In order to achieve an improved environmental outcome the Mayor's vehicle is to be no larger than a medium sized passenger vehicle with a fuel consumption for a petrol or diesel fuelled vehicle of not more than 8 litres/100 kilometres or an LPG vehicle. (based on the official fuel rating)

The vehicle is to be operated and maintained in line with the Light Fleet Policy. Where possible vehicles should attain a minimum of 4 stars under ANCAP safety assessment criteria.

## **7.3 Travelling Expenses**

Wherever practicable Councillors are to use a Council pool car for travel involved in performing their duties. This is to be requested through the Executive Office.

Upon the completion and forwarding of a travelling Claim Form, travelling expenses will be paid to Councillors for out of pocket expenses related to:

- Council meetings and Council business related to Council meetings.
- Council functions.
- Attendance at a meeting of an external body to which a Councillor has been appointed by the Council.
- Other meetings, events or occasions as agreed in advance by the Mayor or Chief Executive Officer from time to time, or by resolution of the Council.

### **7.3.1 Travel within Victoria or interstate**

When Councillors are travelling within Victoria or interstate they should use the mode of transport that is the most cost effective.

- Travel must be undertaken by the shortest practical route.
- Any time occupied in other than authorised Council business shall not be included in the calculation of any expenses to be paid.
- Where travel is by air the standard form of travel will be economy class.
- Claims will only be paid on the actual form of transport.

The allowance payable to Councillors for use of their own private vehicle on Council business shall be in accordance with the rates prescribed in the Victorian Local Authorities Interim Award as varied from time to time.

Any expenses from breach of road, traffic parking or other regulations or laws, will not be reimbursed by Council.

## **7.4 Remote Area Travel Allowance**

Where a Councillor (including a Mayor) normally resides more than 100 kilometres (round trip) by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary, special or committee meetings of the Council or any municipal or community functions which have been authorised by Council resolution for the Councillor to attend, he or she shall be entitled to:

- be paid an additional allowance of \$40.00 per day, up to a maximum of \$5,000 per annum.

The Remote Area Travel Allowance is classified as Travel Allowance in the Annual Report.

## **7.5 Reimbursement of Child Care Expenses**

Councillors incurring bona fide child care expenses paid to:

- A recognised child care provider; or
- To a person who does not;
  - have a familial or like relationship with the Councillor;
  - reside either permanently or temporarily with the Councillor; or
  - have a relationship with the Councillor or his/her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider;

will be reimbursed to a maximum of \$2,000 per year when the child care is necessary to allow the Councillor to attend:

- Council meetings and Council business related to Council meetings;
- Council functions; or
- Meetings arising as a result of a Councillor being appointed by the Council to an external body.

Child care payment or reimbursement claims should be submitted to the Chief Executive Officer and must be accompanied by a receipt from the care provider showing the date and time care was provided and other details nominating the reasons child care was necessary.

## **7.6 Other**

### **7.6.1 Stationery**

Councillors may access and use standard stationery held or obtained generally for the council's requirements, including:

- paper, business cards, writing implements, diaries, writing pads/books, interview pads, computer discs, envelopes and the like.

Council stationery may only be used for carrying out duties as a Councillor.

### **7.6.2 Protective Clothing**

Where requested, Council will lend the Councillors protective clothing required to assist in carrying out the duties of office. This clothing must be returned promptly upon the completion of the duty.

Protective clothing includes:

- wet weather pants and pullover
- gumboots
- winter jacket and/or hat.

### **7.6.3 Legal**

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor shall be the responsibility of that Councillor.

### **7.6.4 Meals/Refreshments**

Where Council meetings are held at times that extend through normal meal times, Council will provide suitable meals. Councillors will be notified of meal arrangements for each meeting.

### **7.6.5 Insurance**

Councillors are covered by the following Council Insurance Policies while discharging, in good faith, the duties of civic office including attendance at meetings of external bodies as Council's representatives:

- a) Public Liability
- b) Professional Indemnity
- c) Councillors and Officer liability
- d) Personal Accident Insurance (accompanying partners also covered)

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.

### **7.6.6 Mail**

Council will post mail which has been generated by Councillors in performing their duties. (Any document written by a Councillor in performing their duties is a Council document and a record must be kept by the Council.) This will be co-ordinated through the Executive Office.

### **7.6.7 Other Expenditure**

Any expenditure not specified above as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where the Mayor and Chief Executive Office agree otherwise.

## **8. COMMUNICATION AND EQUIPMENT EXPENSES**

### **8.1 Communications Equipment Provided**

Councillors shall be provided with appropriate communications equipment to ensure that they can adequately and efficiently perform their role as a Councillor, which as a minimum will include:

- A mobile phone (iphone with email and calendar)
- iPad with Next G internet connection
- Access to a copier/printer
- A home ADSL internet connection where next G is unavailable
- Council email account
- Other equipment as agreed

The make, model and specifications of any communications equipment, the associated contracts or plans and the replacement of any communications equipment shall be at the discretion of the Chief Executive Officer or their delegate.

The above facilities remain the property of the Council and must be returned at the end of a Councillor's term of office.

Council will meet the purchase, installation, maintenance and service, connection and disconnection, subscription, rental and usage costs for all Council provided communications equipment.

Council will only meet the incidental costs of two next G internet connections for each Councillor, except where additional, short term connections are required to facilitate travel or where the connection is necessary or appropriate for the purposes of achieving the objectives of Council.

Council may reimburse the purchase, installation, maintenance and service, connection, subscription, rental and usage expenses for equivalent equipment not provided by Council.

Councillors will only be reimbursed for such expenses where the purchase, installation, maintenance, service, connection, subscription, rental or usage has been approved in advance by the Chief Executive Officer.

Council may reimburse an amount less than the amount claimed, where the actual expense incurred is considered unreasonable, taking into account the estimated costs of using equivalent communications equipment provided by Council.

Council provided communications equipment is to be used for Council related business activities however it is acknowledged that, on occasion, limited personal use may be made of communications equipment.

Councillors will be regularly provided with mobile phone usage accounts and are required to sign a statement on each account, confirming:

- The value or amount of business use; and
- The value or amount of reasonable personal use.

Councillors are required to reimburse Council for the cost of their personal use of the equipment.

Council will review Councillors communication equipment and will update equipment at:

- The commencement of each electoral term;
- Any stage during the electoral term where Council believes an update is appropriate.

## **8.2 Use of Council Equipment**

Use of Council provided equipment is for Councillors use only.

The information technology platform provided for Councillors is based on Colac Otway Council licensed software and to assist the efficiency of the information technology no additional software is to be loaded onto Council provided hardware without the consent of the Chief Executive Officer.

Councillors have the responsibility to protect the equipment directly under their control.

Anti-virus protection and detection software is installed on Council communications equipment. Any suspected virus activity should be reported to the Manager Information Services.

Councillors are required to contact the Manager Information Services directly to report any damage or malfunction of any equipment.

### **8.3 Compliance with IT Policies**

Councillors are to comply with the following Council policies:

- Information System and Security Practices and Procedures (SSPP) Operational Policy
- Fixed and Mobile Telephone Policy
- Smart Phone and Tablet Usage Policy

## **9. CONFERENCES AND SEMINARS**

Councillors are encouraged to attend conferences and seminars relevant to their role, to enhance their personal skills and knowledge.

As part of the annual budget process an amount will be allocated for the attendance of Councillors at conferences and seminars and to participate in training.

All expenditure by Council on Councillor attendance at conferences, training sessions, seminars, trade delegations etc. will be assessed against the following criteria:

- a) Applicability of conference material to current or like future Shire issues.
- b) The importance of the event in terms of its provision of:
  - relevant and necessary training;
  - key information;
  - economic development opportunities;
  - networking opportunities.

Councillors sponsored by the Council to attend conferences and seminars shall have all reasonable expenses for travelling, transport, accommodation, registration fees, meals and out of pocket expenses relating to the conference/seminar reimbursement or paid on their behalf.

Councillors must obtain approval from both the Mayor and Chief Executive Officer or alternatively the full Council:

- to attend such conference/seminar where expenses are likely to be claimed; or
- to use a Council vehicle for transport to or from such function.

Note: the MAV Conference is to be automatically approved for attendance.

Any expenditure greater than \$600 (including registration, travel and accommodation) for a Councillor to attend a conference, seminar, training session, trade delegation, friendship visit etc. must be approved by Council. Approval is dependent upon the cost being within budget and being consistent with Council's goals and strategies.

Council may agree to a set contribution towards a Councillor's cost to attend a conference or seminar rather than the full costs in certain circumstances eg. if the costs are high or the benefits not significant to Council.

When attending approved conferences/seminars Councillors must:

- keep log of all related receipts;
- arrange with the Finance Unit for conference/seminar costs to be prepaid if required;
- complete a staff/councillor travel form for any related or overseas travel.



Expenses for Councillors wishing to make their own arrangements for transport or accommodation will be reimbursed as determined by the Chief Executive Officer.

To maximise the benefit derived from attending conferences and seminars, Councillors are required to present a written report to a Council meeting on the outcomes of the conference or seminar, unless the seminar was attended by the majority of Colac Otway Shire Councillors. The report is to be provided within 2 months of attendance.

## **10. SUBMISSION OF A CLAIM FOR REIMBURSEMENT**

### **10.1 All claims:**

- are to be submitted on the prescribed form, authorised by the CEO and forwarded to the Finance Unit.
- should be accompanied by fully accredited receipts/tax invoices for any expenses claimed. 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.

### **10.2 Timeframe for Submission of Claims**

All claims for allowances or reimbursements including travelling shall be made on a monthly basis. This is to ensure transparency and accountability.

Claims for reimbursement of claims for the months of July to May shall be submitted by the close of business of the last business day of the following month.

Claims for reimbursement of expenses during the month of June shall be submitted within 7 working days of the end of the financial year.

It is the responsibility of Councillors to ensure that claims for reimbursement occur within the stated timelines. Where the timelines are not met, information will be provided to the Mayor and Chief Executive Officer for consideration as to the payment of the claim.

### **10.3 Exclusions**

Any expenses arising from a breach of road, traffic, parking or other regulations or laws, including Council Local Laws will not be reimbursed or funded in any way by Council.

If a councillor chooses not to claim a particular expense, this cannot be offset against a claim for any additional amount associated with another expense.

Claims for expenses other than those included in these guidelines will not be reimbursed, except in exceptional circumstances and after Council has resolved that the claim is reasonable and should be reimbursed.

## 11. REPORTING

The Annual Report shall include the amount paid or attributed to a Councillor and include (but are not limited to) allowances, travel allowances and use of motor vehicle.

The Annual Report shall include a table detailing what equipment is provided to each Councillor.

## 12. RELATED LEGISLATION AND DOCUMENTATION

- *Local Government Act 1989*
- Information System and Security Practices and Procedures (SSPP) Operational Policy
- Fixed and Mobile Telephone Policy
- Smart Phone and Tablet Usage Policy
- Smart Phone and Tablet Usage Guidelines

## 13. IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to periodic review.

### ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
28 March 2007	Adopted by Council
25 February 2009	Review
25 August 2010	Review
19 December 2012	Review
28 August 2013	Review
22 October 2014	Review