

# SCS-001 Councillor Entitlements, Expenses and Facilities Policy

TRIM Reference:	D19/139184	Due for Review:	October 2021
Responsible Officer:	Chief Executive Officer		

## 1. Purpose

Councillors are elected by the local community to provide representation and civic leadership. Their role, as defined in the *Local Government Act 1989 (LGAct)* includes observing the principles of good governance and acting with integrity.

The purpose of this policy is to provide the Surf Coast Shire Council and individual Councillors with clarity and guidance as to:

- the financial entitlements of a Councillor;
- the appropriate process for the reimbursement of expenses incurred by a Councillor; and
- the resources and facilities available to Councillors;

to support them in performing their duties as a Councillor.

This policy is consistent with the:

- requirements of section 75B of the LGAct in relation to the reimbursement of expenses for Councillors and members of Council committees;
- Primary and General Councillor Conduct Principles in sections 76B and 76BA of the LGAct;
- requirements in the Local Government (Planning and Reporting) Regulations 2014 regarding categories for annual reporting; and
- Local Government (General) Regulations 2015 regarding documents to be made available for public inspection.

See the **Appendix** for relevant Definitions and Legislative Excerpts.

## 2. Scope

This policy applies to all Councillors of the Surf Coast Shire Council.

This policy also applies to members of Surf Coast Shire Council committees.

## 3. Policy

Councillors are entitled to the Allowance set by State Government but may also incur reasonable expenses and require appropriate resources and facilities to support the effective performance of their duties.

This policy ensures that Council's reimbursement of expenses and provision of resources and facilities are consistent with and in accordance with the LGAct and its Regulations.

The use of resources, facilities, reimbursement and claiming of expenses must:

- Be necessary and appropriate for the purpose of achieving the objectives of Council;
- Be reasonable bona fide Councillor expenses incurred while performing duties as a Councillor;

- Have regard to any relevant Act, Regulations, Ministerial Guidelines or Council policies; and
- Be in accordance with the Councillor Conduct Principles.

#### **4. Mayoral and Councillor Allowances**

The Mayor and Councillors are entitled to receive an allowance while performing their duties as elected officials. Sections 73A to 74C of the LGAct provide a framework in relation to the payment of the annual Mayoral and Councillor Allowances.

##### **4.1 Calculation of Allowances**

Allowances are set by the Victorian Government, and reviewed annually by the Minister. Surf Coast Shire Council is a Category 2 Council. Allowances are paid at the maximum level available under Category 2 subject to any review pursuant to section 74 of the LGAct.

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

In relation to payment of the allowance:

- Allowances are taxable income and are paid fortnightly, in arrears.
- Payment will be made by electronic funds transfer, into an account authorised in writing by the Councillor.

Payment to a Councillor ceasing to hold office or pending an election will be calculated based on the date on which the Councillor will cease to hold office. In the event that monies have been paid in advance to a Councillor who is ceasing to hold office, any monies paid in advance of the date of cessation are to be refunded by the Councillor.

##### **4.2 Remote Area Travel Allowance**

In accordance with Government policy:

If a Councillor, including a Mayor, normally resides more than 50kms by 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 must be paid an additional allowance of \$40 in respect of each day on which one or more meetings or authorised functions were actually attended by that Councillor, up to a maximum of \$5000 per annum.

Claiming and payment of this allowance is achieved by completing and submitting a MF-001 Car Mileage Claim Form

#### **5. Travel Expenses and Car Mileage Expenses**

##### **5.1 Travel Records for International and Interstate Travel**

Councillors who travel overseas or interstate in an official capacity must record:

- the dates on which the travel began and ended; and
- the destination of the travel; and
- the purpose of the travel; and
- the total cost to the Council of the travel, including accommodation costs.

Councillors undertaking this travel must complete a MF-002 Councillor Travel Claim Form and submit this to the EA to the Mayor and the Councillors (**EA to Mayor**) within 30 days of returning from the travel or where that quarter is at the end of Financial Year, within 14 days

The Manager Governance and Risk will maintain a register of overseas and interstate travel on behalf of Council.

This register will be available for public inspection.

## **5.2 Use of Private Vehicle for Eligible Council Business**

Councillors are encouraged to use Council vehicles for **Eligible Council Business** (as defined) except where this is not practical.

Use of a council vehicle will be reported as per standard rates applicable to a mileage claim. In the absence of a log book the report will be based on an estimate of kilometres based on origin and destination.

Where the return trip is 500kms or more, Councillors will use a Council vehicle arranged on their behalf by the EA to Mayor. Any exception must be approved by the CEO in advance of the travel for a car mileage claim to be approved.

Council does not accept responsibility for loss or damage to a Councillor's private vehicle when used for performing duties as a Councillor when the travel does not directly relate to Eligible Council Business.

Private vehicles are not covered by Council's insurance policy.

Where private vehicles are used by Councillors on Eligible Council Business:

- The vehicle must be comprehensively insured by the owner of the vehicle.
- The vehicle must be roadworthy.
- The owner of the vehicle must be able to prove the vehicle is registered, comprehensively insured and roadworthy.
- The owner of the vehicle should notify their insurance company that the vehicle is being used for work purposes.
- The reimbursement rate paid by Council for the use of privately owned vehicles used on Council business includes a component for the cost of the Councillor insuring the vehicle being used.
- Councillors may be eligible for reimbursement of their personal excess in the event of an accident in a personal car when being used for Eligible Council Business purposes. Councillors should contact Council's Coordinator Risk Management and Legal Services to confirm eligibility following an incident.

## **5.3 Car Mileage Claims**

Councillors are eligible to claim car mileage expenses when using their private vehicles to attend to **Eligible Council Business**. Travel is measured to and from their main Surf Coast Shire residence (or Surf Coast Shire rateable property).

- Councillors will be reimbursed for kms travelled while using their own vehicles in accordance with the Australian Taxation Office (**ATO**) rate upon receipt of a duly completed MF-001 Councillor Car Mileage Claim Form authorised by the Chief Executive Officer (**CEO**).
- Mileage claimed in relation to Eligible Council Business must be documented in Councillor's diaries in sufficient detail to be able to be independently substantiated for audit purposes.

- Councillors must maintain a vehicle log book, or some appropriate form of written or digital record in relation to the use of their private vehicle in the course of conducting Eligible Council Business, including recording:
  - total kms travelled;
  - relevant locations of the travel supported by relevant odometer readings;
  - the date of travel; and
  - the purpose of the travel

The record must be made available for inspection on request for audit purposes.

- Car Mileage Expense claims are to be completed using Form MF-001 on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.
- Travel is to be undertaken as efficiently as possible.

#### **5.4 Private Use of Council Vehicles**

Other than the Mayor, no Councillor is to use a Council vehicle for private use.

The Mayor may authorise another Councillor to use the Council vehicle, allocated for use by the Mayor, in relation to the conduct of duties concerning **Eligible Council Business**.

The Mayor may not authorise another Councillor to use the Council vehicle allocated for use by the Mayor, for private use.

#### **5.5 Classes of Transport**

In the event that Councillors access other means of transport in the performance of their duties concerning Eligible Council Business, the following classes of transport apply:

- Aircraft travel in economy class including, where available, the use of a flexible fare class for any inbound flight. Under this provision, the most economical fare should be chosen, provided that the departure and/or arrival times are reasonable.
- Hire car up to standard 6 cylinder vehicle
- Train or Bus travel in economy class
- Standard Taxi or Uber

#### **5.6 Transport Choices and Transport Expense Reimbursement**

Transport expense reimbursement applies when a Councillor is attending Eligible Council Business.

Council encourages the use of public transport in the first instance as a cost effective mode of transportation and to reduce greenhouse gas emissions. Councillors are to pay the public transport fare and seek reimbursement using MF-002 Councillor Travel Claim Form.

Where public transport is not appropriate, if possible, Council's vehicle fleet should be used. This should be booked by the EA to Mayor.

If a taxi, Uber or another ride share option is unavoidable then the Councillor will pay the applicable fare, and seek reimbursement using MF-002 Councillor Travel Claim Form, providing the applicable receipt.

## **5.7 Other Incidental Travel Expenses**

Councillors may be eligible to claim other incidental expenses when using their private vehicles on Eligible Council Business including:

- Parking expenses
- Toll fees

Councillors are not entitled to claim the cost of any traffic infringements, penalties, parking tickets or similar expenses.

Councillors should seek reimbursement of eligible expenses by completing the MF-002 Councillor Travel Claim Form, attaching the applicable receipts, and submitting this to the EA to Mayor within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.

Where travel has been overseas or interstate, associated incidental travel costs must be completed in accordance with clause 5.1 of this policy.

## **5.8 Meals and Accommodation Connected with Travel**

Councillors may claim the reasonable costs of:

- reasonable meal expenses (excluding alcohol) for the duration of any travel in the course of performing Eligible Council Business. This does not include the cost of meals for partners, guests or families of Councillors;
- appropriate accommodation when interstate or overseas, that has been selected by the CEO or their delegate and booked by the EA to Mayor or an officer authorised by the CEO, will be available from the day prior to commencement day and each day on which events involving Eligible Council Business are held. This does not include any additional costs of accommodation for partners, guests or families of Councillors
- Councillors may request accommodation for a night where Eligible Council Business is being conducted:
  - a) at a location more than 200kms from the Councillor's main residential address by road and:
    - i. is commencing at or before 9am; or
    - ii. is concluding after 5pm; or
    - iii. exceeds more than 5 hours in length
  - b) in Melbourne, or at a location more than 100kms from the Councillor's main residential address by road, and:
    - i. is commencing at or before 7am; or
    - ii. is concluding after 9pm; or
    - iii. exceeds more than 8 hours in length
- Accommodation at the conference, training or meeting venue is preferable for safety related reasons
- Reasonable travel and meal allowance expenses will be reimbursed by completing MF-002 Councillor Travel Claim Form and submitted to the EA to Mayor on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days of completion of travel.
- Reasonable travel and meal allowance expenses will be reimbursed with reference to guidelines such as the current recommended allowances published by the ATO.
- Incidentals do not include personal expenses including mini bar, newspapers, personal phone calls, pay-per-view entertainment, etc. Personal expenses will not be reimbursed to the Councillor. In any case

where a personal expense has been charged to Council, these costs will be recovered from the Councillor through the debtor invoice process.

### **5.9 Reimbursement Issues**

In any case where a Councillor is unable to provide a receipt of costs incurred whilst travelling on Eligible Council Business, a statutory declaration may be accepted by the CEO.

Appropriate and sufficient reasoning for being unable to produce a receipt must be provided by the Councillor and it will be at the CEO's discretion whether a statutory declaration will be accepted.

## **6. Childcare and Carer Expenses**

Council will reimburse the cost of necessary childcare and carer expenses incurred by Councillors in the course of performing duties associated with Eligible Council Business.

### **6.1 Childcare Expenses**

Councillors may claim reimbursement of reasonable childcare expenses in respect of the care of an immediate family member or member of the Councillor's household, up to and including the age of 14 years, where the Councillor or domestic partner is the primary care giver.

Childcare costs are not eligible for reimbursement if paid to a person who normally or regularly resides with the Councillor, except where a live in (professional) helper, such as a nanny, is required to work extra time at extra expense because of the Councillor's performance of duties.

### **6.2 Carer Expenses**

Councillors may claim reimbursement of reasonable carer expenses in respect of the care of a person who is wholly or substantially dependent for ongoing care and attention on the Councillor or their domestic partner.

Carer costs are not eligible for reimbursement if paid to a person who normally or regularly resides with the Councillor, except where a live in (professional) helper is required to work extra time at extra expense because of the Councillor's performance of duties.

### **6.3 Process for Making a Claim**

Claims for reimbursement should be made using the MF-004 Councillor Child and Special Care Reimbursement Form.

Councillors will be reimbursed for childcare expenses or carer expenses at a reasonable amount approved by the CEO having considered all relevant circumstances of the particular care event.

Claims must be accompanied by a receipt from the care provider showing the date and time care was provided, and detail the reason that care was needed on each occasion.

Such expenses are to be claimed on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.

## **7. Information and Communication Technology Expenses**

Councillors are entitled to the following information and communication resources to support their performance of duties of Eligible Council Business.

### **7.1 Equipment Provided**

The following equipment will be provided to each Councillor for use related to Eligible Council Business during their term of office:

- A portable computer (which is compatible with the corporate network) including mobile wireless internet access;
- Relevant computer software;
- A mobile phone in good working order;
- Business cards; and
- Name badge.

Where Councillors have previously been provided with printers for home use, these will continue to be maintained for the balance of the current term (which concludes in October 2020), but no further home printers will be provided to new Councillors.

Council will arrange for the installation and maintenance of relevant equipment and provide any associated products required for their operation.

Equipment is provided as part of a Councillor's induction process and all queries regarding provision or maintenance of equipment should be addressed to the EA to Mayor.

Accessories or services beyond the standard equipment referred to in this clause may be provided upon written request to the CEO. The additional cost of any accessories provided may be charged to the Councillor.

### **7.2 Usage Requirements and Restrictions**

Mobile phone usage is restricted to domestic calls; international calls are not to be made unless first authorised by the CEO, and must directly relate to the performance of duties associated with achieving the objectives of Council and comply with the mobile phone management procedure.

Where the mobile phone plan allows for unlimited local calls and texts at no extra cost, Councillors will be advised of this and may choose to use the phone for private local telephone call and text usage.

Councillors should note that use of Council's information and communication technology and corporate network, including the internet, must be in accordance with ISP-006 Information Security Policy - Councillors. All internet usage and telephone and text log data may be monitored by Council to ensure compliance.

All mobile phone and internet usage connected with Council property must be in accordance with Council policies and the Councillor Code of Conduct.

The Manager Information Management will maintain a register of all equipment provided to Councillors for Council business. Such equipment is returnable to Council on completion of tenure of the particular Councillor and must be in good condition, subject to fair wear and tear.

This register will be available for public inspection.

### **7.3 Private and other Usage Recoupment**

Except as allowed or authorised in this policy, each Councillor must reimburse the direct costs of any private use of these facilities/equipment to Council, using form MF-019 Councillor Private Expenses – Single Recoupment.

Where Councillors are appointed to regional bodies as a representative of Council, Councillors are to discuss the usage and possible contribution by these bodies with the CEO prior to commencement of the appointment.

### **7.4 Council Papers**

Council will digitally/electronically deliver Council meeting agendas and minutes, and other papers to Councillors.

If necessary, Council will also arrange for hard copy Council meeting agendas and other papers to be available for review in the Councillors' Lounge.

### **7.5 Inward Mail**

All mail received by Councillors is deemed to be Council business and will be opened by Council's Records staff except for mail marked 'private and confidential'. Councillors must not ask any person or organisation to send private mail to them via the Council address.

### **7.6 Outward Mail**

When communicating with constituents, Councillors are encouraged to use electronic formats where possible.

Councillors must exercise care to ensure that correspondence does not commit Council funds or convey a position which is contrary to that adopted by Council.

Letterhead paper or electronic letterhead, incorporating the Council logo, must be used for all official Council related correspondence as approved in advance by the CEO and used in accordance with the Media Policy.

Letterhead incorporating the Council logo must not be used for personal correspondence.

Items such as Christmas or seasonal cards can be provided by Council for Councillor usage. Councillors may also wish to send suitable cards to mark culturally significant occasions celebrated by particular communities. Interested Councillors are encouraged to use electronic formats. For those Councillors who choose a paper based format for sending Christmas cards or seasonal or culturally significant occasions, the cost of production and postage will be published as part of that Councillor's quarterly expense report.

Each Councillor may leave up to 50 standard mail items or equivalent per month cumulative within each financial year for postage through the Australia Post system. This limitation does not apply to correspondence related to formal Council business.

Mail must be contained within Surf Coast Shire envelopes and coordinated through the Shire offices by the EA to Mayor. Mail posted in Surf Coast Shire envelopes must be accompanied by a completed Australia Post mailing statement. The cost of postage will be published as part of that Councillor's quarterly expense report.

Mail posted outside of the above requirements will require stamps for which Councillors will not be reimbursed.



Council letterhead must not be used in relation to a Council Election and Councillors need to remain mindful of caretaker provisions that apply in the lead up to an election.

## **8. Conference and Training Expenses**

Councillors may attend professional development and training programs, conferences or meetings. The approval of any training, conference or meeting attendance will be based on its relevance to the role and professional development of the Councillor.

### **8.1 Annual Monetary Limitations**

Attendance by any Councillor at any local, interstate or overseas meetings, conferences or training up to a total cost to Council of \$3,000 may be approved by the Mayor.

Expenditure by a Councillor must not exceed \$3,000 in any given financial year, with the exception of approved Australian Institute of Company Directors (**AICD**) training.

Attendance by a Councillor at local, interstate or overseas meetings, conferences or training where the total cost exceeds \$3,000, or the total expenditure incurred by that Councillor in the financial year will exceed \$3,000, must be subject to approval by Council Resolution.

### **8.2 Accommodation**

Accommodation of a reasonable standard necessarily required for attendance at any approved training, conference or meeting will be booked by the EA to Mayor at the site of the training, conference or meeting or at a suitable, safe, nearby accommodation centre.

### **8.3 AICD Course and Membership**

During their term, all Councillors will be entitled to complete the Company Director course provided by the AICD provided that:

- the course is completed in the first two years of their term in office; or
- there is at a minimum twelve months remaining of their term of office as at the completion date of the course.

Council will pay Councillors' AICD annual standard membership fees during their term of office. It is the Councillor's responsibility to personally pay the initial joining fee (unless it is part of the AICD course funded by Council) and any additional fees.

### **8.4 Application Process**

Application to attend any local, interstate or overseas meetings or conferences involving Council expenditure must be made by completing MF-003 Councillor Application to Attend Training or Conference.

Council will pay registration fees for attendance at approved meetings, training or conference sessions. Other related travel, meal, accommodation and related expenses may be claimed as outlined in this policy.

Applications within budgetary requirements to attend relevant training, conferences and meetings will not be unreasonably refused.

## **9. Resources and Facilities**

The following additional resources and facilities are provided to support Councillors performing their duties while undertaking Eligible Council Business and discharging duties of civic office.

### **9.1 Office of the Mayor**

The Office of the Mayor operates to provide those functions of the Council carried out by the Mayor. It is allocated a budget by Council on an annual basis to allow the Mayor to fulfil their civic role. Within that budget, staff and other resources may be employed as considered appropriate.

Any expenses incurred by the Mayor, or person nominated by the Mayor to fulfil the civic role as partner of the Mayor, shall be deemed to be expenses of the Mayor.

Council will provide the Mayor with a fully registered, insured, maintained and fuelled vehicle for their use on official duties and for reasonable private use.

Use of a Council motor vehicle will be in accordance with Council's Motor Vehicle Policy, as amended from time to time.

Council will provide the following facilities for the Office of the Mayor:

- Office suitably equipped with quality furniture and shelving, including desk and meeting table
- Mobile phone
- Personal assistant and other administrative support during normal office hours as required, and any other necessary administrative assistance to enable the Mayor to carry out the duties of civic office.

### **9.2 Building Access and Parking**

Each Councillor will receive a swipe card allowing the Councillor to access the areas normally available to Councillors in the Shire Offices at 1 Merrijig Drive, Torquay, during normal business hours.

Where a Councillor attends the Shire Offices I out of normal office hours, the Councillor must ensure that the premises are secure during and following their attendance.

Councillors must not allow third parties access to the Shire Offices without first obtaining the express permission of the CEO.

Car parking is available to Councillors at Shire Offices at no cost.

### **9.3 Insurance**

Councillors are covered by the following Council insurance policies on a 24-hour, 7-day a week basis, while performing Eligible Council Business and discharging the duties of civic office:

- Council's workers compensation insurance
- Councillors and Officers Liability Insurance
- Travel insurance for interstate and international travel.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Eligible Council Business where any claim is accepted by Council's insurers, whether defended or not.

Council equipment provided to Councillors to assist in performing their role, is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft.

Councillors must notify the CEO as soon as possible after they become aware of a potential claim.

#### **9.4 Provision of Hospitality**

The Mayor, on behalf of the Council, can provide **Hospitality** (as defined) to groups or individuals who are regarded as key stakeholders with whom the Council seeks to develop closer or more effective working relationships or to further Council's interests and objectives.

There may be occasions when it is necessary and appropriate for Council Hospitality to a particular group or individual to be provided by a Councillor other than the Mayor. Such proposals are to be discussed and approved by the Mayor and CEO prior to the occasion.

The CEO may approve the provision of alcohol at the cost of Council, in addition to Hospitality provided to groups or individuals who are regarded as key stakeholders of Council, or at any Civic Function, where the benefits to the community are documented by the CEO prior to approval of the Event. All Councillors are expected at such functions to display a high standard of civic leadership regarding the responsible provision and usage of alcohol.

Councillors are not to incur and will not be reimbursed for any Hospitality provided without prior approval.

Where approved Hospitality is provided outside of Council facilities, Council will not reimburse any Councillor the cost of any alcohol provided during that Hospitality.

#### **9.5 Meals and Refreshments – Councillor Briefings and Council Meetings**

Councillors will be requested to complete form MF-008 Councillors Catering and Dietary Requirements at the commencement of their term of office to advise of any dietary requirements or preferences or to advise of any alterations to those requirements or preferences during the course of their term.

##### **Refreshments**

Councillors will have access to Refreshment (as defined) at all times while on Council premises.

##### **Meals**

Where Council meetings or briefings are held at times which extend through normal meals times, Councillors and relevant officers will be provided with suitable Meals (as defined) served on the premises.

Councillors and Officers will be notified, of the meal arrangements for such meetings. Appropriate meals will be arranged by the EA to Mayor.

#### **9.6 Meeting Rooms and Councillor Lounge**

The Civic Council Office includes a Councillors' Lounge reserved for exclusive use by Councillors. This room is equipped with computer access and is suitable for office work, reading, and research and small meetings.

Other meeting rooms at the Council office can be booked for use by Councillors to conduct meetings during and after office hours through the EA to Mayor.

Meeting equipment can be made available for meetings upon request.

Other venues owned and controlled by Council can be used (subject to availability) by Councillors for activities, meetings, interviews and other functions associated with the performance of their role as Councillors. The EA to Mayor can assist in the booking of these meeting rooms and venues. Meeting equipment can be made available for meetings upon request.

#### **9.7 Administrative Assistance**

Limited typing/secretarial administration assistance will be made available to Councillors for work directly related to the performance of duties of Eligible Council Business.

Where Councillors wish to use the services of a courier service for a reason directly related to the performance of duties and Eligible Council Business, this should be arranged by the EA to Mayor.

All administrative assistance should be coordinated through the EA to Mayor and approved by the CEO.

#### **9.8 Timing of Claims for Expenses**

Where a quarterly claim for reimbursement pursuant to this policy directly follows 30 June in any year, Councillors are to submit that quarter's claim within 14 days of the end of that quarter.

In all other quarters, Councillors should submit requests for reimbursement within 30 days of the end of that quarter.

Where a Councillor has completed their term or ceased to hold office for any reason, claims for expenses pursuant to this policy must be submitted within 30 days of the date of cessation of office.

Excessive and/or unreasonable delay in lodging timely claims for reimbursement of any eligible costs or expenses in accordance with the requirements set out in this policy may result in such claims being denied at the discretion of the CEO.

### **10. Other Expenses Not Elsewhere Covered**

#### **10.1 Legal Expenses**

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

Councillors may discuss potential claims on a case by case basis with the CEO who will work with Coordinator Risk to determine if any insurance claim is applicable.

#### **10.2 Other Expenses**

Any claims for expenses not specifically covered by this policy must first be referred to the CEO for authorisation/approval before being submitted.

Councillors are encouraged to discuss in advance with the CEO any event, meeting or other gathering where there is the potential for incurring expenses so that:

- i. The appropriateness of potential claims can be considered; and
- ii. Any available cost saving measures can be put in place...

## **11. Recoupment of Private Expenses**

Councillors must reimburse the direct costs of any private use of home/workplace facilities to Council unless there is an exception applying under this policy.

The direct costs of private use of home/workplace facilities provided by Council may be repaid to Council via the completion of form MF-019 Councillor Private Expenses – Single Recoupment.

## **12. Audit and Reporting**

Councillor expenses are subject to audit by the Victorian Auditor General, the Victorian Local Government Inspectorate and Council's internal auditor, and are reported to the CEO.

Any items considered to be in breach of the LGAct or this policy will be reported to the Surf Coast Shire Council's Audit & Risk Committee.

All payments made to Councillors during their elected term and falling within the terms of this policy may be publicly disclosed on Council's website.

## **13. Consequences of Breach**

Any action by a Councillor in relation to matters contained in this policy which breaches obligations under the LGAct or Councillor Code of Conduct, may result in action taken by Council pursuant to the LGAct and Code.

## **14. Members of Council Committees**

Non-Councillor members of Surf Coast Shire Council Committees are not entitled to claim reimbursement of expenses incurred whilst exercising their duties as a committee member, unless specifically outlined in their contract with Council or the Terms or Deeds established for the committees.

Exceptions may apply to individual cases where approved has been granted by the CEO.

## **15. Related Legislation**

Victorian *Local Government Act 1989*, particularly Sections 65(2)(b), 66AA, 73A to 74C, 75, 75B, 75C, 76B, 76BA, 76D

*Local Government (General) Regulations 2015*, Regulation 12

*Local Government (Planning and Reporting) Regulations 2014*, Regulation 14

## **16. Related Policies, other Documents and Relevant Forms**

As well as directly related statutory obligations, Council has responsibilities under other documents such as:

- Council Media Policy
- Other Council policies and procedures
- Councillor Code of Conduct

Relevant Forms include:

- MF-001 Councillor Car Mileage Claim Form
- MF-002 Councillor Travel Claim Form
- MF-003 Councillor Application to Attend Training or Conference
- MF-004 Councillor Child and Special Care Reimbursement Form
- MF-007 Councillor Reimbursement of Expenses Form
- MF-019 Councillor Private Expense – Single Recoupment

**Appendix**

<b>Definitions</b>		
(a)	Refreshments	Tea, coffee, non-alcoholic beverages, and a light meal such as may be considered suitable for morning tea
(b)	Meal	<p>Council Meetings – Dinner in the form of a two course served meal together with tea and coffee.</p> <p>Council Briefings – Lunch or dinner in the form of a one course meal together with tea and coffee.</p>
(c)	Hospitality	Refreshments, finger food or a meal of a reasonable and appropriate standard, not including alcohol, except where exemptions are made in this policy.
(d)	Eligible Council Business	<p>The following will be deemed to be Eligible Council Business:</p> <ul style="list-style-type: none"> <li>A. Council meetings and Assemblies of Councillors</li> <li>B. Standing Committee or Advisory Committee meetings of Council when the Councillor is the nominated representative/substitute or otherwise by approval of the Mayor</li> <li>C. Regional meetings where the Councillor claiming reimbursement is Council’s endorsed representative and travel is not paid/reimbursed by the regional organisation or meeting convenor</li> <li>D. Functions to which Councillors are invited by an organisation and where there is a direct benefit for the involvement of Council (attendance by partners will not be paid for by Council).</li> <li>E. Events where a Councillor is delivering a speech or presentation on behalf of Council.</li> <li>F. Travel by Councillors embarking on inspection of issues raised by identified members of the community within the Shire, which are considered reasonable and necessary and where travel is within the Shire.</li> <li>G. Meetings by Councillors at the request of identified members of the community, as recorded in Councillor’s diaries, which are considered reasonable and necessary for the performance of the Councillor’s duties and where travel is within the Shire;</li> <li>H. Conferences and seminars approved in accordance with this Policy.</li> </ul> <p>Any claims for expense reimbursement related to matters falling outside of this definition must be approved by the CEO.</p>

**Legislative Excerpts and Definitions**

(e)	LGAct section 65(2)(b) Role of a Councillor	(2) In performing the role of a Councillor, a Councillor must— ... (b) observe principles of good governance and act with integrity ...
(f)	LGAct Section 66AA Order for return of allowances or entitlements	If a person is found guilty or convicted of an offence under section 66, the court may order that the person return to the Council any allowances, reimbursements, equipment or materials the person received as a result of acting as Councillor for the period that the person acted as Councillor while incapable of being or continuing to be a Councillor.
(g)	LGAct Section 75 Reimbursement of expenses of Councillors	(1) A Council must reimburse a Councillor for expenses if the Councillor— (a) applies in writing to the Council for reimbursement of expenses; and (b) establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.  (2) In this section, duties as a Councillor means 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.
(h)	LGAct Section 75B Councillor reimbursement policy	(1) A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.  (2) A policy adopted by Council under this section must be consistent with— (a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide; and (b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.
(i)	LGAct Section 75C Resources and facilities for Councillors	A Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed for the purposes of this section.
(j)	LGAct 76B Primary principle of Councillor conduct	It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must— (a) act with integrity; and (b) impartially exercise his or her responsibilities in the interests of the local community; and (c) not improperly seek to confer an advantage or disadvantage on any person.

(k)	<p>LGAct 76BA General Councillor conduct principles</p>	<p>In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—</p> <p>(a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;</p> <p>(b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person; ...</p> <p>(d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;</p> <p>(e) endeavour to ensure that public resources are used prudently and solely in the public interest;</p> <p>(f) act lawfully and in accordance with the trust placed in him or her as an elected representative;</p> <p>(g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.</p>
(l)	<p>LGAct Section 76D Misuse of position</p>	<p>(1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—</p> <p>(a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; ...</p> <p>(2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include— ...</p> <p>(e) using public funds or resources in a manner that is improper or unauthorised;</p>
(m)	<p>Local Government (General) Regulations 2015, Regulation 12</p> <p>Documents to be made available for public inspection</p>	<p>For the purposes of section 222 of the Act, the following are prescribed documents if they are not published on the Internet website of the Council—</p> <p>(a) a document containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months, including—</p> <p>(i) the name of the Councillor or member of Council staff; and</p> <p>(ii) the dates on which the travel began and ended; and</p> <p>(iii) the destination of the travel; and</p> <p>(iv) the purpose of the travel; and</p> <p>(v) the total cost to the Council of the travel, including accommodation costs;</p>
(n)	<p>Local Government (Planning and Reporting) Regulations 2014</p>	<p>(1) For the purposes of section 131(3)(a)(v) of the Act, the report of operations must contain a description of the operations of the Council during the financial year.</p>



	<p>Part 4—Annual report Regulation 14 General information</p>	<p>(2) Without limiting the generality of subregulation (1), the report of operations of a Council must contain the following information— ...</p> <p>(d) a list of the names of all Councillors and their dates of election and, if applicable, retirement;</p> <p>(da) details of current allowances fixed for the Mayor, Lord Mayor (if any) and Councillors;</p> <p>(db) details of the expenses, including reimbursement of expenses, for each Councillor and member of a Council committee paid by the Council, categorised separately as—</p> <p>(i) travel expenses; and</p> <p>(ii) car mileage expenses; and</p> <p>(iii) childcare expenses; and</p> <p>(iv) information and communication technology expenses; and</p> <p>(v) conference and training expenses; ...</p>
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**Document History**

Version	Document History	Approved by – Date
1	<i>New document</i>	<i>Council – 26 November 2019</i>