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1. POLICY OBJECTIVE

In recognition of the considerable requirements and expectations placed on Councillors in providing leadership for the good governance of the Shire and fulfilling their civic and statutory duties, Council will provide a range of facilities, resources and support to Councillors in carrying out their role.

Council will also provide Councillors and members of a delegated committee with reimbursement of reasonable bona-fide expenses incurred in the course of their duties as Councillors, as specified within the policy.

The objective of this policy is to define the:

- a) resources that shall be provided to Councillors to assist in the performance of their role;
- b) the arrangements in respect to provision of a vehicle to the Mayor;
- c) expenses that Council shall reimburse a Councillor, and the process for this to occur;
- d) transparency and accountability protocols that shall govern the provision of these resources; and
- e) approval process for funding of Councillor attendance at events and training and development.

2. POLICY CONTEXT AND SCOPE

This policy is based on the requirements of the *Local Government Act 2020* (the Act). The policy is also based on the *Local Government (Councillor Remuneration Review) Panel Report* published in January 2008—specifically the Guidelines for the reimbursement of expenses and resources and facilities support for Victorian Mayors and Councillors (the Guidelines).

The policy applies to Councillors and to members of Council's delegated committees as indicated.

Councillors: all sections of this policy apply

Members of Delegated Committees: sections 4.1, 4.2, 7.2, 7.7, 7.6, 7.9, 8 and 9.2 apply. Remaining provisions (particularly sections 5 and 6 regarding resources and facilities) of the policy do not apply to members of delegated committees.

3. LEGISLATIVE CONTEXT

3.1. Local Government Act 2020

Sections 40, 41 and 42 of the Act provide for:

- the reimbursement of expenses of Councillors and members of a delegated committee;
- the requirements for Council's expenses policy, and
- the provision of resources and facilities for the Mayor and Councillors

s.40 Reimbursement of expenses of Councillors and members of a delegated committee

- 1) A Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied—
 - (a) are bona fide expenses; and
 - (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
 - (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role.
- 2) A Council must provide details of all reimbursements under this section to the Audit and Risk Committee.

s.41 Council expenses policy

- 1) A Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.
- 2) A policy adopted by a Council under this section must –
 - a. specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
 - b. comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
 - c. provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and
 - d. have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.
- 3) A Council must adopt the first expenses policy under this section on or before 1 September 2020.
- 4) Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the *Local Government Act 1989* applies as if it had been adopted under this Act.

s.42 Resources and facilities for the Mayor and Councillors

- 1) A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role.
- 2) Without limiting the generality of subsection (1), a Council must –
 - a. Consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability; and
 - b. Have particular regard to the support that may be required by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.

3.2. Public Transparency Policy – Travel Register

In accordance with Council's Public Transparency Policy, documents to be made available to the public include a register of travel undertaken by Councillors and Council staff.

4. PRINCIPLES

4.1. Council integrity

Section 123 of the Act provides that a Councillor (or member of a delegated committee) must not intentionally misuse their position to gain (or attempt to gain, directly or indirectly) an advantage for themselves or any other person; or to cause, or attempt to cause, detriment to the Council or another person. Of specific relevance to this policy is s.123(3)(e) which states:

“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 delegated committee include —

…

(e) using public funds or resources in a manner that is improper or unauthorised.”

4.2. Encouraging diversity in participation, equity and access

This policy encourages participation in the local government democratic process as it ensures that Councillors, and members of delegated committees, in the performance of their duties:

- will be supported in their role; and
- will not be financially or otherwise disadvantaged.

Reimbursement of expenses and resources/facilities support shall be applied in a non-discriminatory way and used in an equitable manner to cater for the full participation of all Councillors in Council business and with their communities, while also recognising individual needs and circumstances. Councillors work with a wide range of constituents and need to be accessible and stay informed.

4.3. Accountability and transparency

Section 40 of the Act provides that a Council must reimburse a Councillor or a member of a delegated committee for out of pocket expenses which the Council is satisfied:

- (a) are bona fide expenses; and
- (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Additionally, Council must provide details of all reimbursements to the Audit and Risk Committee (s.40(2)).

It is not appropriate for Council to provide for general expenses and/or allowances that are unrelated to actual expenses incurred and which could be designed to supplement

Councillors' annual allowances entitlements under the Act. Councillors shall only receive reimbursement for expenses when the expense, resource and facilities support are identified in this policy and are adequately substantiated.

The overriding principle is that the reimbursement of expenses and the details and range of benefits provided to the Mayor and Councillors by the Council should be clearly stated, fully transparent and acceptable to their local community.

4.4. Reasonableness and appropriateness

This policy should ensure that Councillors and members of a delegated committee are reimbursed adequately for bona fide expenses reasonably incurred in the performance of their respective roles. It is acknowledged that incidental private use of Council resources and facilities may occur from time to time and that such incidental private use should not be reimbursed to the Councillor.

Substantial private use shall be reimbursed by the Councillor and is specifically addressed in Section 6.4 of this policy.

4.5. Separation

It is a principle that an expense reasonably incurred by Councillors in the performance of their duties and the provision of resources and facilities that support Councillors to perform their duties is separate to the provision of the annual Councillor Allowance. Councillors shall not be disadvantaged or asked to subsidise their expenses from the annual Councillor Allowance.

5. ALLOWANCES

Councillors will be provided with an annual allowance, pursuant to the Act. The allowance framework, set by the State Government, provides for a three-level structure based on Council population and total revenue. The maximum allowances are reviewed and adjusted annually by the Minister for Local Government.

As outlined within the Information Guide, *Mayor and Councillor Entitlements: reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors (November 2008)*, Mayors and Councillors allowances must not be used to subsidise their entitlements and facilities and resources support provided by policy and legislation.

Details of current allowances fixed for the Mayor and Councillors of Macedon Ranges Shire Council are published in the Annual Report, available on Council's website.

Allowances are taxable income and are paid monthly in advance. Personal taxation implications are the responsibility of individual Councillors.

6. RESOURCES, FACILITIES AND SUPPORT

The following resources, facilities and support are provided to assist the Mayor and Councillors in the performance of their roles:

6.1 Administrative support

Administrative support shall be determined by the Chief Executive Officer in consultation with the Mayor. Administrative support will be provided through the office of the Chief Executive Officer and will generally consist of diary management assistance, preparation of correspondence and meeting coordination.

6.2 Administrative areas and meeting rooms

Councillors wishing to access staff-only administration areas of Council are to be accompanied by a Council Officer. Councillors can make arrangements by attending the reception area of the relevant Council office and customer service officers will make arrangements for Councillors to be met by a member of staff.

All Councillors will have access to meeting rooms in Council facilities in all major townships. Councillors may coordinate access to meeting rooms for meetings with community members via the Chief Executive Officer's office.

6.3 Stationery / mail

Council shall, upon request, provide Councillors with necessary stationery held or obtained for the organisation's requirements. This may include (but is not limited to): paper, writing implements, diaries, writing pads, data storage devices (i.e. USB stick) envelopes, etc. Requests for stationery shall be made to the Chief Executive Officer. Council letterhead is not available for Councillor's general use.

6.4 Technology devices

ICT devices and email

All Councillors shall be provided with information technology devices as deemed appropriate, including an internet data plan. Councillors shall also be issued with a Macedon Ranges Shire Council email address. All use of information technology devices shall be in accordance with Council's *ICT Acceptable Use Policy* to the extent that it is applicable.

Support (Help Desk and Training)

Support for Councillors to set up their Council provided IT resources and day to day trouble shooting assistance is provided by Council's Information and Communications Help Desk Staff. Requests for assistance shall be made to Council's Manager Information and Communications on 5422 0321. Training in the use of IT and Communications resources provided to Councillors may be arranged on an as required basis at the Councillor's request.

Mobile phone

A mobile phone shall be provided to assist Councillors to perform their duties. The make, model and style of the mobile phone shall be determined by the responsible Council Officer based on current telecommunications plans and offers available to Council and in consultation with the Councillor. Usage shall be restricted to the Councillor to whom the phone has been assigned and the assigned Councillor shall be responsible for all usage incurred on the mobile phone.

Councillors shall take care to safeguard any personal or Council information stored on mobile phones so as it cannot be accessed by other persons. Mobile phones shall be subject to Council's *ICT* Acceptable Use Policy to the extent that it is applicable. Mobile phones shall be kept in secure locations when not in use.

Councillors may use Council provided mobile phones for incidental private use. Incidental private use is defined as use that incurs costs of no more than 10% of the total monthly call and data costs.

Councillors shall seek the approval of the Chief Executive Officer prior to taking Council equipment on overseas travel. If approval is granted by the Chief Executive Officer, the Councillor must consult with the Manager Information & Communications to discuss the most effective travel packs to be purchased for work related usage. The co-ordination of access to international voice and data services and the cost of all calls and data usage related to overseas travel for personal reasons are the responsibility of the Councillor, not the organisation. The Councillor shall be responsible to ensure phone settings are adjusted to avoid unexpected call and data charges.

If a mobile phone needs to be replaced, for whatever reason, it shall be returned to the responsible Council Officer at the same time as the replacement phone is issued.

Rather than being issued a Council provided mobile phone, a Councillor may elect to use their own personal mobile phone and claim reimbursement of call charges associated with performing their duties as a Councillor.

Substantial private use

Substantial private use of resources and facilities by a Councillor shall be declared by the Councillor and substantial private use shall be reimbursed by the Councillor.

A "Declaration of Usage of Resources" statement shall be prepared each quarter by the Governance Unit which shall specify the monthly cost of the Council provided mobile phone and internet data plan. Itemized accounts shall be provided to each Councillor.

Each Councillor shall inspect the "Declaration of Usage of Resources" statement, make an estimate of their private use, and declare that no more than 10% of the call charges of the Council provided mobile phone and no more than 10% of the internet connection plan is attributable to private use.

If a Councillor discloses private use of more than 10% this shall trigger a pro rata calculation of the private use. An invoice shall be generated and the Councillor shall pay the invoice within Council's normal payment terms and conditions.

Equipment return

At the cessation of the Councillors' term of office or if a person ceases to be a Councillor, all Council equipment shall be returned to Council within seven days.

All equipment provided to Councillors remains the property of Council and will not be available for sale or transfer to Councillors at the cessation of the Councillors term of office.

6.5 Mayoral Vehicle / Transportation

The Mayor is expected to perform a range of additional duties during the course of the mayoral year. Council will support the Mayor of the day through the provision of a vehicle or through the reimbursement of Council business vehicular travel costs. This support will be provided on the following terms and conditions.

1. The vehicle will be an environmentally friendly type / model (i.e. Toyota hybrid or equivalent) with a total annual cost to Council of up to \$16,000 (see Note 1 and 2) or
2. The reimbursement of Council business vehicular travel costs (i.e. submitted kms claims) capped at a 12 month (term of office) maximum of \$16,000.

Note 1 - The use and provision of the vehicle will be in accordance with Council's Vehicle Policy to the extent applicable and with the Mayor nominated as the assigned driver.

Note 2 – The annual cost of an environmentally friendly vehicle will be determined annually by the Manager Finance and will represent the total annual operating cost for this vehicle.

6.6 Training and Development

Councillor

The roles and responsibilities of Councillors are wide and varied. It is important that Council identifies the training needs of Councillors and ensures that they have access to ongoing training and professional development throughout their term.

The types of training and development activities and events at which Councillors seek approval to attend, should have a direct correlation to performing the role of Councillor. Such activities could involve seminars, conferences and more formal study courses.

Council will provide a maximum of \$8,000 per term per Councillor for Training and Development Activities. All approved costs related to training and development activities will be recorded against the Councillors per term allowance.

Section 7 outlines the required approval process for which Councillors should use to seek to request pre approval for proposed training and development activities.

Where it is understood that a Councillor training and development activity involves related costs such as accommodation, travel or other general costs, these should be identified by a Councillor when seeking authorisation from the CEO. It should also be identified if the training and development activity necessitates interstate travel. Consistent with Section 9, relevant interstate travel will be recorded within a register and necessitate a written report.

The Chief Executive Officer will:

- 1) consult with all Councillors to identify training and development opportunities that best support their individual needs on an annual basis;
- 2) provide a compulsory training program for a newly elected Council in line with legislation
- 3) maintain an annual budget which:

- a. accommodates the individual training requirements of Councillors across the Council term; and
- b. limits individual Councillor expenses on training and professional development to \$8000 per Council term¹.

Councillor Collective

In regards to the training and development of the Councillor collective, provision will be made by the organisation during an election year to ensure effective induction training and development can be provided to Councillors (as outlined above).

During the term of Council, the Chief Executive Officer may, in consultation with Councillors identify group opportunities inclusive of sessions which involve strategic planning for the collective. These agreed collective opportunities will be funded by a budget provided by the organisation.

Activities that are not considered to be applicable to the whole group of Councillors, the collective, will be funded separately from individual Councillor training and development budgets.

6.7 Attendance at Events When Performing Duties as a Councillor

During the term of Council, it is expected that Councillors, especially the Mayor, may need to attend events representing Council that have an associated cost e.g. National General Assemblies of Local Government. The events may also relate to where the Mayor is an invited dignitary formally representing Council, which do not offer complimentary attendance.

Approval for Council to fund a Councillor's attendance at an event should be sought from the CEO prior to confirming attendance, consistent with Section 7.11 of this policy. Councillors can still make claims for reimbursement of travel and incidental costs consistent with sections 7.1, 7.2 and 7.6 of this policy, without prior approval.

Support under this section does not extend to discretionary events that Councillors may choose to attend, nor to events which are more appropriately considered training and development, and belonging to that category of support.

6.8 Other support and assistance – Counselling Service

A confidential counselling service is available for Councillors to access free of charge. This service, offers confidential, short-term support for a variety of personal problems that may be affecting them in their role as a Councillor or in their personal life.

7 REIMBURSEMENT OF EXPENSES

In line with the principles underlying this policy the reimbursement of expenses incurred while performing duties as a Councillor or as a member of a delegated committee shall be applied in a non-discriminatory way recognising individual needs and circumstances and ensuring a Councillor or delegated committee member is not financially or otherwise disadvantaged.

¹ If this amount has been expended, or the remaining funds are insufficient, Councillors can personally pay for costs or contribute funds towards attending an approved training or development activity.

Councillors and members of delegated committees are entitled to be reimbursed for the following expenses while performing duties as a Councillor or as a member of a delegated committee.

7.1 Private Vehicle Use

Councillors and members of delegated committees are entitled to be reimbursed for reasonable travel expenses incurred in the use of their private vehicle (including electric vehicles) for Council purposes.

Reasonable travel expenses for councillors include travel to and from:

- a) Scheduled and unscheduled Council Meetings, Councillor Briefing Sessions, meetings of a delegated committee of Council, civic functions;
- b) meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed the Council delegate;
- c) site inspections or meetings; and
- d) any meeting or other activity which the Councillor attends in performing duties as Councillor.

Reasonable travel expenses for a member of a delegated committee includes travel to and from a meeting of the delegated committee.

All travel claims will be from each Councillor's or delegated committee member's notified place of residence. All expense claims will be submitted on the Travel Claim Form and the Councillor or delegated committee member shall be reimbursed, based on the distance travelled, in accordance with the applicable and current vehicle allowance as specified in the Macedon Ranges Shire Council Enterprise Agreement in operation at the time claims are submitted.

Councillors and delegated committee members who have an environmentally friendly vehicle which does not fit a standard cylinder vehicle classification are eligible for the 4 cylinder or less vehicle reimbursement classification amount.

Vehicle travel that exceeds 600km (for one event/trip in total) requires approval from the Chief Executive Officer.

In any financial year a Councillor or delegated committee member may only claim a maximum of \$8,000 pursuant to this section.

7.2 Family Care

The Council will reimburse the cost of necessary expenses for childcare up to and including the age of 16 years and for the care of elderly, disabled and/or sick immediate family members of Councillors and delegated committee members, while a Councillor or delegated committee member is conducting Council business.

Child care costs are not eligible for reimbursement if paid to a family member or a person who normally or regularly lives with the Councillor or delegated committee member, 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 or delegated committee member's duties.

Carer expenses may consist of:

- Child care centre fees;

- Hourly fees;
- Agency booking fees (if claimed); and
- Reasonable travelling expenses at rates no greater than those prescribed in the Enterprise Agreement Part B (if claimed by the carer).

Fees are payable per hour (or part of an hour) subject to any minimum period which is part of the provider's usual terms, to a maximum hourly rate approved by the Chief Executive Officer (guided by industry rate).

Travelling expenses may cover the transport costs of the carer to and from the Councillor's or delegated committee member's residence or of the person to be cared for to and from the place of care.

Claims must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was need on each occasion. All claims shall be substantiated by an invoice or receipt or other relevant documentation provided by the caregiver.

7.3 Training and Development

Councillors may seek approval to complete training and development during the term. Any Councillor funded training and development should be approved consistent with Section 7.10 prior to committing to the activity, otherwise it will not be reimbursed by Council. Claims for training and development activities which have been approved in advance should seek reimbursement in accordance with the processes outlined in Section 7.7 and Section 8.

7.4 Attendance at Events When Performing Duties as a Councillor

Councillors may seek approval from the CEO to attend events and have these costs paid for by the organisation or reimbursed, as outlined in Section 7.10. If approved, it is appropriate that Council fund the costs associated with the attendance of the Councillor's spouse / partner when they are accompanying the Councillor. The costs shall be specifically limited to the meal and or ticket associated with the relevant event.

7.5 Mobile Phone Reimbursement

Consistent with section 6.4 Councillors may choose to use their own mobile phone and seek a reimbursement of those costs. If a Councillor elects to do so, the Councillor shall submit their mobile phone account to the Governance Unit and shall itemise the call and data charges that are attributable to performing their duties as a Councillor.

7.6 General Expenditure

General expenditure provides for miscellaneous expenditure directly related to the performance of duties as a Councillor or member of a delegated committee. General expenditure may include such expenses as the purchase of food, refreshments, car parking and public transport tickets.

A claim for reimbursement of general expenditure requires evidence in the form of a tax invoice including name and address of the supplier and details of the goods or services

supplied. General expenditure requests will be reviewed on a case by case basis by the Manager, Legal and Corporate Governance to ensure appropriateness.

7.7 Submitting Claims

All claims for reimbursement shall be fully substantiated and details lodged on the Reimbursement of Expenses Claim Form. The period for the lodgement of any claim shall not exceed three months without written approval of the Chief Executive Officer in response to a request in writing explaining the reason for such an extension. No claims shall be permitted that exceed six (6) months and/or which do not relate to the current financial year.

7.8 Approval of Claims

Claims for reimbursement of expenses shall be approved by the Chief Executive Officer or delegate. Mayoral expenses shall be approved jointly by the Chief Executive Officer and the Manager, Legal and Corporate Governance.

7.9 Costs Not to be Reimbursed

Fines, Damage and Theft

Any expenses arising from a breach of road, traffic, parking or other regulations or laws or for damage or loss of a vehicle will not be reimbursed or funded by Council.

Costs not related to Councillors or Members Performing their Duties

Where it is determined by the CEO that a claim for costs is not related to the performance of the duties of a Councillor or member of a delegated committee, these will not be reimbursed.

Costs Related to Spouses for Specified Activities

The payment of travel, accommodation or any other expenses for spouses, partners or accompanying persons attending a conferences will not be borne by Council.

7.10 Pre-approval Process

Councillors will seek approval for the funding of the following activities prior to either Council officers organising and paying for attendance or seeking a reimbursement:

- Training and development
- Attendance at events when performing duties as a councillor

All requests for attendance at such activities, which if approved, will be paid for by Council (subject to per term training and development maximum thresholds) shall be made in writing to the Chief Executive Officer in advance. Councillors can still make claims for reimbursement of travel and incidental costs consistent with sections 7.1, 7.2 and 7.6 of this policy, without prior approval.

Councillors will outline the benefit and reasons when seeking approval.

7.11 Authorisation

The Chief Executive Officer, unless otherwise resolved by Council, is authorised to approve the organisation funding Councillors' attendance at training and development or confirming attendance and payment for events on criteria that ensure:

- a) the attendance is in the community interest and reflects the identified needs of the Councillor;
- b) equity and fair and reasonable access to all Councillors to training and development, noting that events will generally be attended by the Mayor in the first instance; and
- c) a quorum of Councillors is available to attend to the normal business of the Council.

7.12 Exception for Overseas Travel

Notwithstanding the above any overseas travel by a Councillor in an official Council business capacity must be presented to a Council Meeting for approval prior to the travel.

8 CLAIMS FOR REIMBURSEMENT

In accordance with the Act, all claims for reimbursement are to be lodged in writing. Councillor or members of delegated committees are to complete a Reimbursement Form and submit it to the Chief Executive Officer or delegate for approval.

Councillors and members of delegated committees should establish that the expenses were reasonable, bona fide, out of pocket expenses incurred while performing duties as a Councillor or delegated committee member. The basic test to be applied to determine whether or not an expense is bona fide is whether the expense was necessary because it was either supplemental to, incidental to, or consequent on, the exercise of the duties as a Councillor or delegated committee member.

It is not appropriate for a Councillor or delegated committee member to request payment or reimbursement for expenses relating to their: personal business or interests; private business; own employment; attendance at political party fundraisers, or election campaign.

9 REPORTING TO COUNCIL

9.1 Councillor Expenses

In conjunction with the Quarterly Report to Council, Councillor expenses will be reported to Council in the same format as required in the Annual Report, that is, expenses incurred per Councillor in the categories of: travel, car mileage claimed, childcare, information and communication technology, attendance at events and training and development.

9.2 Councillor and Delegated Committee Member Expenses

In accordance with section 40(2) of the Act, Council will provide details to the Audit and Risk Committee of all reimbursements made to Councillors and members of delegated committees.

9.3 Councillor Activities

Councillors will be provided the opportunity to submit a summary of their activities in the community over the preceding quarter that will be incorporated into the quarterly reporting regime.

9.4 Interstate and Overseas Travel

The Chief Executive Officer will:

- 1) maintain a register of overseas and interstate travel; and
- 2) receive written reports from Councillors attending interstate or overseas travel within one (1) month of returning.