

Councillor Expense, Support & Professional Development Policy



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| Policy type | Council |
| Adopted by | Moira Shire Council |
| Responsible General Manager | Chief Executive Officer |
| Responsible officer | General Manager Corporate |
| Date adopted | 13 December 2017 |
| Scheduled for review | 13 December 2021 |

PURPOSE

This policy has been developed in recognition of the essential support Councillors require to serve, engage and act in the best interests of the community – in the elected representative role as a Councillor. It provides guidance on the allowance, reimbursement of expenses, provision of facilities and support for Councillors in accordance with Section 74 and 75B(1) of the Local Government Act 1989 Act (“the Act”) which requires Council to review, adopt and maintain a policies in relation to Councillor allowances and the reimbursement of expenses.

SCOPE

This policy applies to all Moira Shire Councillors.

DEFINITIONS

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| Personal expenses | Out of pocket expenses incurred by councillors that are not related to their duties as a councillor. This may include the use of a council phone for personal calls or attendance at an event in a personal capacity and not as the councillor representative. |
| Councillor expenses | Section 75 of the Act describes reimbursement of out of pocket expenses to Councillors performing duties as a Councillors. |
| Duties as a councillor | Activities and functions that may include authorised representation of council at events and activities. |
| Authorised meetings and functions | Meetings of bodies to which a councillor is formally appointed by the council, including Section 86 Committees of Management, Advisory Committees and Representative Bodies or as directed by the Mayor. |

RELATED LEGISLATION

Local Government Act 1989

Local Government Regulations 2004

REFERENCES

Policy Development Guidelines

Moira Shire Council, Councillor Code of Conduct

Moira Shire Council, Corporate Uniform Policy

Moira Shire Council, Use of Council's E-mail and Internet Facilities Policy

Motor Vehicle CEO Directive – Conditions of Use for a Council Motor Vehicle

REVIEW

This policy will be reviewed four years from the date of adoption, or sooner if required.

Councillor allowances and superannuation

- Councillor allowances are paid in accordance with the Act.
- Council must review Councillor allowances within 6 months of a council election.
- Mayoral and Councillor allowances are subject to the addition of the equivalent of the superannuation guarantee.
- Councillors can sacrifice any amount of their allowances into a complying superannuation fund in accordance with ATO ID 2007/205.
- Councillors are deemed not to be an employee under common law,.
- Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the council making contributions to a complying superannuation fund on their behalf in accordance with the ATO Interpretative Decision 2007/205.
- Any request by a Councillor to redirect their fees as a superannuation contribution must be in writing and cannot be retrospective once the facility is established.

Council Expenses

General expenses:

- Section 75 of the Act describes reimbursement of out of pocket expenses to Councillors performing duties as a Councillors.
- In recognition of the special role of Mayor, this policy provides for the provision of some additional facilities and expenditure specific to the Mayoral office.
- Councillors will be reimbursed for necessary out of pocket expenses on the presentation of a signed statement of expenditure and supported by official receipts, relevant documentation and completion of a Councillor Reimbursement Form (Appendix A).
- Councillors are required to submit travel expense claims on a monthly basis with the completion of a Councillor Reimbursement for Motor Vehicle Travel Expenses Form (Appendix B).
- A report will be submitted annually to the Internal Audit Committee on the costs incurred by each Councillor for that financial year including travel, phone calls, legal expenses and any personal development or events attended.
- Councillor expenses are reported on each year in the Annual Report and are available on council's website.
- Councillor expenses will be reported to Councillors on a monthly basis.

Access to facilities and resources

Councillors will be provided with the following support and resources:

- Computer – tablet PC
- Mobile phone if required
- Stationary
- Access to copier/printer

The Mayor will also be provided with the following additional support and resources:

- Administrative support
- Office
- Vehicle including fuel card

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Reimbursement

- Travel - including reimbursement of public transport costs
- Internet or data – reimbursement of relevant call costs
- Child care/family care

Additional support will be provided for councillors as follows:

PROVISION FOR FACILITIES AND SUPPORT

Administrative support

All Councillors will be provided with appropriate administrative support using existing Council staff, so that official duties may be pursued in a professional manner.

Office space and facilities

An office will be provided for the mayor to conduct Council business, a lounge and a small interview room will be provided for Councillors use.

Communications

- Connection to council's computer network, internet or email will be in accordance with the Use of Council's E-mail and Internet Facilities Policy.
- Council will fund the associated rental and service charges of a dedicated internet connection where this is provided.

Corporate Uniform

Each Councillor is provided with a uniform allowance to fund the purchase of corporate uniform, in accordance with Council's Corporate Uniform Policy and the Chief Executive Officer's Corporate Uniform Directive.

Protective Clothing

Councillors will be provided with protective clothing and head wear as required as part of their official duties. Councillors must wear the protective clothing in accordance with relevant Council policy.

Stationary

Councillors may request stationary to assist them in the conduct of their council duties. Moira Shire Council letterhead will not be provided.

Access to a Council Pool Vehicle

- A vehicle will be made available to the mayor for council and private use. The vehicle includes a council fuel card.
- A council vehicle will be provided to a Councillor when attending events that form part of the councillor's official duties or professional development.
- A Council vehicle should be used when travelling outside the municipality. A personal vehicle may be used if a pool vehicle is not available or its use is unreasonable or impractical.
- Use of a council vehicle must be in accordance with Council's Motor Vehicle Policy, the CEO Motor Vehicle Directive - Conditions of Use for a Council Motor Vehicle.

Travel Expenses

Reasonable travel expenses incurred by a Councillor to attend a Council function, Council meetings and briefings or other functions as an authorised representative of Moira Shire Council will be reimbursed

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with presentation of tax invoice and Councillor Reimbursement Form completed (Appendix A).

Councillors may choose to travel by public transport when representing council or for professional development.

- Tickets can be obtained in advance through the Office of CEO with 48 hours' notice prior to travel.
- Ticket costs will be reimbursed with presentation of tax invoice and Councillor Reimbursement Form completed (Appendix A).

Reimbursement of private vehicle use expenses will be in accordance with the Act and at the per kilometre business rate set by the Australian Taxation Office.

Councillors will be paid an extra \$40 remote travel allowance for each day they attend authorised meetings or functions that are held more than 50kms away from their primary residents (up to a maximum of \$5,000 per year).

Accommodation

- Council will pay for accommodation for council business or professional development if fatigue or driver safety is a reasonable concern.
- Accommodation requests should be made via the Office of CEO at least 48 hours prior to travel.
- Council accommodation will be at venues that provide Government rates. Other venues will be considered if a Government-rate venue is not available or its use is unreasonable or impractical.
- The standard of accommodation will include a standard room or four star equivalent.

Meals and Entertainment

Councillors will be provided meals (morning/afternoon tea, lunch and dinner) when meeting for extended time frames or when held at meal times.

Partner Reimbursement

- If a partner chooses to attend a function with their spouse, the cost of the program and/or reception will be reimbursed in full to Council.
- Partner attendance at Council functions is not required.

Corporate Credit Card

- The Mayoral credit card has a monthly credit limit of \$2,000.
- Credit card usage will be limited to bona fide expenses associated with the Office of Mayor.
- All tax invoices and receipts are to be provided to the Executive Assistant at the end of each month for reconciliation and for approval by the Chief Finance Officer or General Manager Corporate.

Memberships

Councillors may be eligible to have their individual memberships covered by Council if the CEO and Mayor determine that the membership will directly benefit the Council.

A financial contribution may be requested from Council. The contribution may be paid upon receipt of the paid tax invoice provided by the Councillor and with completion of Councillor Reimbursement form (Appendix A).

Professional Development

Councillors are encouraged to attend appropriate conferences and undertake professional development to enhance their function as a Councillor.

- Professional Development must be approved by the Mayor and Chief Executive Officer prior to attendance and upon completion the Councillor Professional Development form (Appendix C).
- Each Councillor is provided with professional development funding of up to \$5000 per year and \$8000 for the Mayor.
- If a councillor's attendance is funded by council, the Councillor is representing Council and may claim reimbursement of relevant expenses.
- If a requested professional development cannot be accommodated within the budget allocation, the CEO and Mayor will determine if additional funding is available and appropriate.

Legal Advice Expenses

The Council will only meet legal expenses incurred as a result of a Councillor executing their official duties. Councillors need to be aware of their role and responsibilities under the Act.

If a Councillor requires legal advice in connection with his or her functions as a Councillor:

- (a) The Councillor may submit a Notice of Motion requesting that Council facilitate and fund such legal advice; or
- (b) The Chief Executive Officer may facilitate such legal advice and confirm that Council will meet expenses if:
 - i. appropriate to do so taking into the consideration the same criteria used by Council (below); and
 - ii. the Councillor requirement for legal advice cannot be deferred until the lodgment or consideration of a Notice of Motion.
- (c) Council will evaluate any requirement by a Councillor for legal advice against the following criteria:
 - i. the extent to which the subject-matter of the advice required relates to the Councillors functions as a Councillor;
 - ii. the extent to which the subject-matter of the advice required relates to a matter before Council or the Councillors representative role as a Councillor
 - iii. the extent to which the subject-matter of the advice required will or is likely to be of interest to all Councillors;
 - iv. the public interest; and
 - v. any other relevant considerations.
- (d) In the event that legal advice relates to a writ, action or pending action against a Councillor or Councillors, the Councillor or Councillors must supply a copy of the writ or action or provide the information which may lead to an action, to the Chief Executive Officer, who will advise Council's insurers as soon as possible, in accordance with Council's insurance policy conditions.

Other Expenditure

Any expenditure not specified in this policy will be the responsibility of the Councillor, except where the Chief Executive Officer grants approval.

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Exclusions

The expenses below will not be reimbursed by Council:

- Any expense/s incurred from breach of road, traffic, parking, local law or any other regulation or law will not be reimbursed or paid by Council
- Any expenses such as minibar items incurred while staying in accommodation.
- Any unlawful or accidental damage caused in an accommodation venue.

Reimbursements by councillor

A Councillor may at any time if they choose, reimburse council for Councillor expense/s they have incurred.

Councillors are required to advise of and reimburse council for private expenses incurred in the use of council resources. These may include private use of a council provided mobile phone, accommodation or any other expense as mentioned in this policy.



Councillor Professional Development

Councillor name:

Type of Professional Development:

Please ✓

Personal Development

Conference, Seminar or Forum

Delegation

Other.....

Name event/activity*:

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Date/s: Location:

Cost: \$

Accommodation required Date/s required:

Vehicle required Date/s required:

Other:

How will participation in this professional development activity assist you in your role as Councillor or Mayor, and how will it benefit Council or the Moira Shire community?

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*** Attach any information, flyers, programs etc.**

Signed: Date:

OFFICE USE ONLY

Budget Allocation Available: \$

Ledger No:

Does the request fall within the Councillor Professional Development Policy? Yes No

Professional Development Approved: Yes No

Signed: Signed:

Mayor

Chief Executive Officer