

COUNCIL EXPENSES POLICY

1.0 Purpose

This policy specifies procedures to be followed regarding the reimbursement of reasonable out of pocket expenses for Councillors and members of Delegated Committees as required under Section 41 of the *Local Government Act 2020* (the Act).

This policy also provides guidance on:

- entitlements
- processes for reimbursement
- reporting requirements.

This policy is intended to ensure that Councillors and members of Delegated Committees are supported to perform their duties without disadvantage.

2.0 Scope

This policy applies to:

- Councillors of Ballarat City Council
- members of Delegated Committees of Ballarat City Council.

Councillor duties are those performed by a Councillor as a necessary part of their role, in achieving the objectives of Council.

These duties may include (but are not limited to):

- attendance at meetings of Council and its committees;
- attendance at briefing sessions, workshops, civic events or functions convened by Council;
- attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor;
- attendance at meetings, events or functions representing Council; or
- duties in relation to constituents concerning council business.

Members of Delegated Committees exercise powers of Councillors, under delegation. This policy also applies to those members in the course of undertaking their role as Delegated Committee members.

3.0 Policy Statement

3.1 Council Expenses

Councillors and members of Delegated Committees are entitled, under section 40 of the Act, to reimbursement of expenses reasonably incurred in the performance of their duties.

This policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the Council.

Councillors and members of Delegated Committees will be reimbursed for out-of-pocket expenses that are:

- bona fide expenses; and
- have been reasonably incurred in the performance of the role of Councillor; and
- are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role.

3.2 Travel and Related Expenses

Upon the completion and forwarding of a travelling claim form to Council (Appendix 3), travelling expenses, once approved, will be paid to Councillors and members of a Delegated Committee under the following circumstances:

- To attend Council and Delegated Council meetings and meetings of Committees of Council.
- To attend formal briefing sessions and civic or ceremonial functions convened by Council or the Mayor.
- To attend meetings scheduled by Council.
- To attend meetings necessary for the Councillor or member of a Delegated Committee to exercise a delegation given by Council.
- To attend a meeting, function or undertake other official duties as a representative of Council or the Mayor.
- To attend meetings of community groups, organisations and statutory authorities to which the Councillor or member of a Delegated Committee has been appointed Council's delegate or is authorised by Council to attend, but the reimbursement by Council is to be diminished by however much the external party pays travelling expenses directly.
- To attend an inspection of a street, property or area or to discuss with any person any matter related to Council business, and/or to carry out activities in the capacity of a Councillor or member of a Delegated Committee.
- To attend discussions with Council officers on any matters relating to the city.
- To attend meetings or to participate in delegations or deputations to which the Councillor or member of a Delegated Committee has been appointed as a representative of Council or the Mayor.
- Accommodation and related expenses required for attendance at seminars, conferences or attendance at functions will be included in expense entitlement for Councillors.

Claims are to be submitted monthly to Council using the Claim Form for Councillors or Member of Delegated Committee.

Reimbursement of motor vehicle expenses shall be paid based on the rate set out in the City of Ballarat Enterprise Agreement No 8, 2019, where vehicles used for business purposes. In the case where Council business is carried out before or after travelling to the normal place of business, the normal kilometres travelled to and from the normal place of work shall be excluded from the number of kilometres claimed. The minimum details required for the claiming of travelling expenses are:

- Date
- Time

- Starting Point
- Destination
- Purpose of business
- Starting kilometres
- Ending kilometres
- Kilometres claimed

3.3 Interstate and International Traveling Expenses

As part of their duties the Mayor and Councillors may be required to undertake interstate and international travel on behalf of Council. Representation of Council at national and international levels is an important part of developing, communicating and implementing Council policy. The following provides guidance regarding interstate and international travel:

- When Councillors are travelling interstate the mode of transport is to be determined on the advice of the Chief Executive Officer based on the most cost and time effective form of transport.
- Traveling expenses associated with conference airfares, accommodation and taxi is available.
- The reimbursement requires the Chief Executive Officer's authorisation prior to payment.
- All international travel proposed to be undertaken by a Councillor during their duties requires prior approval by the Council and must be within budget and directly related to the Council Plan objectives.
- A post travel report is required for all approved international travel undertaken.
- Others accompanying Councillors (such as spouses, children, partners) to conferences or other events, travel and attend at their own expense.
- Travel must be undertaken in the most cost-effective manner and all travel plans must consider appropriate Occupational Health and Safety.
- Any time occupied in other than authorised Council business is not to be included in the calculation of any expenses to be paid.
- Where travel is by flight within Australia, the standard form of travel will be economy class.
- Where travel is by flight outside of Australia, the standard form of travel will be premium economy class.
- Claims will only be paid on the basis of the actual form of transport used in the form of reasonable allowances towards or reimbursement of necessary out of pocket expenses.
- Council maintains travel insurance and Council Risk and Compliance Unit will assist with any claims.

3.4 Professional Development

Councillors will be reimbursed for attendance at courses, seminars and conferences and associated fees and materials. All professional development must relate to the duties of Councillor and comply with the 'Councillor Professional Development' Policy. Use of this allowance requires the Chief Executive Officer and Mayor's authorisation prior to attendance and payment.

3.5 Stationery

Council shall, upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements. The stationery may include, but not necessarily be limited to, paper,

business cards, writing implements, writing pads, envelopes and the like. Requests for stationery should be made to the Civic Support team.

3.6 Memberships

Councillors will be reimbursed for payment of memberships. Memberships must relate to the duties of a Councillor and require the Chief Executive Officer's authorisation prior to reimbursement.

3.7 Protective Clothing

Council shall, upon request, lend/purchase for Councillors items of protective clothing required to assist in carrying out the duties of the Councillor. All purchases must be approved by the Chief Executive Officer.

3.8 Attendance by Spouse or Partner at Seminars, Conferences and Civic Functions

Where a Councillor is attending a conference or seminar, Council will only fund the Councillor. Where a Councillor's partner is named on an invitation to attend an event with the Councillor the spouse/partner will be funded under this policy. This requires the Chief Executive Officer's authorisation prior to payment or reimbursement.

The spouse/partner of any Councillor is to be invited to any functions hosted by the Mayor and/or Chief Executive Officer at the expense of Council.

3.9 Carer and Dependent-related Expenses

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a Councillor or member of a Delegated Committee to perform their role (s 41(2)(c)).

This applies to the care of a dependent, while the Councillor or Delegated committee member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a councillor or Delegated committee member who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties (s 41(2)(d)).

Payments for carer and childcare services will not be made to a person who resides with the Councillor or Delegated committee member; has any financial or pecuniary interest with the Councillor or Delegated committee member; or has a relationship with the Councillor, Delegated Committee member or their partner.

These costs must be necessarily incurred under the following circumstances:

- To attend Council and Delegated Council meetings and meetings of Committees of Council.
- To attend formal briefing sessions and civic or ceremonial functions convened by Council or the Mayor.
- To attend meetings scheduled by Council.
- To attend meetings necessary for the Councillor to exercise a delegation given by Council.
- To attend a meeting, function or undertake other official duties as a representative of Council or the Mayor.
- To attend meetings of community groups, organisations and statutory authorities of which the Councillor has been appointed Council's delegate or is authorised by Council to attend, but the

reimbursement by Council is to be diminished by however much the Body pays any expenses directly.

- To attend an inspection of a street, property or area or to discuss with any person any matter related to Council business, and/or to carry out activities in the capacity of a Councillor.
- To attend discussions with Council officers on any matters relating to the city.
- To attend meetings or to participate in delegations or deputations to which the Councillor has been appointed as a representative of Council or the Mayor.

Reimbursement is however, subject to the following conditions:

- The hourly rate a Councillor or member of a Delegated Committee will be reimbursed for informal child care expense is \$15.00 per hour.
- In the case of care provided through an approved program by a registered provider, the amount on the official tax invoice will be paid by Council.
- Child care/carer costs are not eligible for reimbursement if paid for a child or person cared by an individual who normally or regularly lives with the Councillor.
- All claims for reimbursement are to be supported by a completed claim form and forwarded to Council on a monthly basis.

3.10 Communication Expenses

Councillors shall be provided with communication equipment which may include:

- Mobile Phone
- Laptop computer
- Tablet

This equipment will have internet connection to ensure that they can adequately and efficiently perform their duties as a Councillor. This is outlined in the Councillor Communication Equipment Policy.

Council will meet the purchase, initial installation, maintenance costs, connection fees, rental charges and all Council business call charges. All accounts for such equipment will be in the names of the Ballarat City Council.

All equipment/services provided by Council is deemed for Council business and minimal personal use will be applied. Accounts will be paid by Council and an audit conducted every six (6) months on usage fluctuations. Minimal personal use is defined as telephoning\emails\social media to home or family members while undertaking the duties as a Councillor. Excessive personal use of a Council provided communication equipment is to be reimbursed to Council.

Where a Councillor has opted to move their personal mobile phone number to Council's account and use the phone for personal calls, the Councillor must validate Council use and private use on that phone. Councillors will be provided with a Broadband internet connection of appropriate size. Where usage is over this limit an invoice will be sent to the Councillor. The Councillor will reimburse Council for these expenses. Councillors will be required to sign a statement confirming that the use of the mobile phone, Internet is for Council business with minimal personal use and there is no reimbursement applicable to Council. This form is in appendix 4.

Where a Councillor has opted to use their personal device for Council business as per the Councillor Communication Equipment Policy, the following shall apply:

- Councillors are entitled to reimbursement of Council business related communication expenses.
- Councillors will provide itemised records for reimbursement of expenses or
- Councillors will provide details of legitimacy of communication expenses that relate to Council business expenses.

3.11 Making a Claim for Reimbursement

- All claims must be made on the approved re-imbusement form available from Civic Support.
- Out-of-pocket expenses are those costs necessarily and reasonably incurred by Councillors or members of Delegated Committees for the purpose of Council business.
- Any claims for reimbursement must be completed on the prescribed form and forwarded to civicsupport@ballarat.vic.gov.au or Civic Support PO Box 655 Ballarat 3353
- The basic test that will be applied to determine whether or not an expense is lawfully incurred is whether the expenditure is necessary and reasonable to complete duties as a Councillor or member of a Delegated Committee. This determination will be made by the Chief Executive Officer.
- When claiming out-of-pocket expenses, original receipts or supporting documentation must be provided to support claims.
- Any costs incurred by a Councillor or member of a Delegated Committee which are not deemed necessary for the purpose of Council business will not be reimbursed.
- As part of Council's commitment to open and transparent governance and to meet the requirements of the Act and *Local Government (Planning and Reporting) Regulations 2014*, details of expenses incurred by Councillors are made public on an annual basis. The regulations outline the Councillor expense categories which form the basis of the reporting. All registers related to interests, travel and gifts that relate to this policy will be kept and made available as required.
- Councillors will be provided with the reports on Councillor expenses at least 14 days prior to publication to review and seek clarification where required.
- All expense claims must be lodged within three (3) months of expenses being incurred. At the end of the financial year all claims must be received no later than one month after the financial year. Any claims received after this time will require a Council resolution to pay in the current financial year.
- Reimbursements are recorded in a register providing sufficient detail of the nature of the expense incurred.
- Reimbursements will be made via direct debit to nominated bank accounts once approved on a monthly basis.
- Council must provide details of all reimbursements under this policy to the Audit and Risk Committee.

3.12 Roles and Responsibilities

Party/parties	Roles and responsibilities	Timelines
Council	Comply with the requirements of this policy.	Ongoing
Delegated Committee Member	Comply with the requirements of this policy.	Ongoing
Chief Executive Officer	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
Civic Support Staff	Manage areas of responsibility to ensure requests for reimbursements and payment of expenses are completed in accordance with this policy.	Ongoing

4.0 Supporting documents and references

4.1 Legislation

- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Gender Equity Bill 2020*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*

4.2 Associated Documents

Council's:

- Governance and Integrity Framework;
- Governance Rules;
- Public Transparency Policy;
- Privacy Policy; and
- Open Data Policy.

4.3 Definitions

Carer A carer is defined under section 4 of the *Carers Recognition Act 2012*.

Delegated Committee Delegated Committees are defined under section 63 of the Act.

5.0 Monitoring, evaluation and review

Council commits to monitoring processes related to Council expenses, reimbursements and transparent reporting such expenses to understand the overall level of success in the policy's implementation.

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

6.0 Human Rights Charter

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

7.0 Policy owner

The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be initially directed to the Director Business Services or for statutory compliance requirements to the Executive Manager Safety Risk and Compliance Services.

8.0 Applicability

The policy applies to all Councillors, Members of Delegated Committees, Council Officers of the City of Ballarat.

9.0 Authorisation

Adopted by Ballarat City Council, 12 August 2020 R206/20