



COUNCIL EXPENSES POLICY

PURPOSE

Under section 41 of the Local Government Act 2020 (the Act) Council is required to adopt and maintain a Council Expenses Policy (policy). This policy:

1. Defines Council's commitment to the requirements outlined in the Act and outlines the procedure for applying for the reimbursement of expenses incurred by Councillors and members of Delegated Committees whilst undertaking their duties.
2. Also identifies facilities and support that will be provided to the Mayor, Councillors and members of Delegated Committees.

OBJECTIVES

Section 40 of the Act specifies that:

- 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.*

Section 41 of the Act specifies that:

- 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 Carers Recognition Act 2012.*
3. This policy ensures that:
 - 3.1 Councillors are supported and assisted to perform their duties without disadvantage; and
 - 3.2 the procedures to be followed when applying for reimbursement, and when reimbursing expenses, is in accordance with the Act, and clearly defined.

4. Councillor duties may include (but are not limited to):
 - attendance at meetings of the Council;
 - attendance at briefing sessions, workshops, civic or ceremonial functions convened by the Mayor or Council;
 - attendance at approved conferences, workshops, or training programs related to the role of Councillor, Mayor or Deputy Mayor;
 - attendance at meetings arising as a result of a Councillor being appointed by the Council to an external body;
 - a meeting, function or other official role as a representative of the Mayor or the Council.

DEFINITIONS

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

Delegated Committees: are defined under section 3 of the Act.

SCOPE

5. This policy applies to all Councillors of Whitehorse City Council.

PROCEDURE

6. Procedure for Applying for a Claim for Reimbursement

- 6.1 A Councillor or member of a delegated committee:
 - a) must submit claims for out-of-pocket expense reimbursement in writing, supported by receipt or other suitable documentation.
 - b) must establish in the application for reimbursement the out-of-pocket expense is a bona fide expense which has been reasonably incurred in the performance of their duties.
- 6.2 Reimbursements will be provided monthly by electronic funds transfer.
- 6.3 The basic test to determine whether or not an expense is lawful/lawfully incurred is whether the expenditure is necessary or appropriate for the purposes of achieving the objectives of Council having regard to the Act, or any other relevant Act, regulations, Ministerial Guidelines or Council Policies.
- 6.4 Council will not reimburse Councillors for any infringements incurred for road traffic or parking violations.
- 6.5 Claims for facilities and expenses other than those expressed in this policy will be subject to a resolution of Council.
- 6.6 A separate Council policy titled Conference Attendance and Travel by Councillors covers conference attendance and interstate or overseas travel.

CIVIC SUPPORT

Section 42 of the Act specifies that:

- 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.*

7 Carer and Dependent Related Expenses

- 7.1 The care of family members is the responsibility of individual Councillors. However, in certain circumstances Councillors will be able to seek reimbursement for bona fide care expenses.
- 7.2 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. This applies to the care of a dependent whilst the Councillor or delegated committee member is undertaking their official duties.
- 7.3 Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor or delegated committee member who is in a 'care relationship' with another person, incurs reasonable expenses in the performance of their official duties.
- 7.4 The definition of 'care relationship' is as per section 4 of the *Carers Recognition Act 2012*. (Refer to Appendix A to this policy.)
- 7.5 Care Expenses are defined as hourly fees, agency booking fees, reasonable travelling expenses for a carer other than an immediate family member of the Councillor.
- 7.6 Payments for carer and child care services are not eligible for reimbursement if paid for a service provided by a person who:
 - a) normally or regularly resides with the Councillor or delegated committee member;
 - b) has any financial or pecuniary interest with the Councillor or delegated committee member;
 - c) is immediate family (eg partner, mother/father, sister/brother or sister in law/brother in law) of the Councillor or delegated committee member;
 - d) has a relationship with the Councillor, delegated committee member or their partner.
- 7.7 For the purposes of this policy, a child shall be defined as up to, but not including 16 years of age.
- 7.8 Claims for child care and care expenses are to be submitted on a monthly basis. Each care expense claimed shall be substantiated by a receipt from the caregiver showing the dates and times care was provided, and the Councillor shall show why the care was needed on each occasion.

8 Facilities and Expenses for Councillors with Disabilities

For any Councillor with a disability, the CEO will assess and approve the reasonable support required by way of additional facilities and expenses in order to allow that Councillor to perform his or her duties.

9 Communication Equipment

- 9.1 Each Councillor is entitled to the following home/workplace facilities and may choose to be allocated:
- Smart mobile telephone;
 - An internet enabled laptop/notebook;
 - email access; and
 - home printer.
- 9.2 The Council will pay all connection fees, rental charges and all Council business call charges, with accounts being sent directly to Council. In the case of mobile phones, it will be at Council's discretion whether to repair or replace damaged phones. If a phone is lost or stolen, the Councillor should immediately report the theft or loss to the Executive Assistant to the Mayor and Councillors, and to Victoria Police if the loss or theft is discovered outside working hours.
- 9.3 Councillor issued mobile devices are to be used for related Council business activities but it is accepted that, on occasions, reasonable incidental personal calls will be made. Charges incurred in excess of the monthly Telephone Service Plan in place, will be subject to reimbursement by the respective Councillor.
- 9.4 The equipment remains the property of the Council and is recorded on Council's Assets Register and must be returned at the end of a Councillor's term of office. Councillors are expected to adhere to Council's Policies as adopted from time to time including but not limited to IT Acceptable Use Policy, IT Security Policy and Mobile Devices Policy.

10 Mail

Each Councillor will be entitled to post, through the Council mailing system and utilising Council supplied stationery, any items which relate to Council business and annual corporate Christmas Cards. No type of election material is to be posted at Council expense by Councillors.

11 Councillor Portal

- 11.1 Councillors have a dedicated Councillor Portal (ie intranet) providing access to:
- Council Business Papers - meeting agenda, minutes, attachments;
 - Councillor Briefing Presentations;
 - Correspondence directed to multiple Councillors or the Council;
 - Information and updates about projects and achievements of Council's operations;
 - Policies, reference and resource materials (including reference material and reports from other agencies or organisations);
 - Latest news and updates relevant to Council;
 - Useful website links;

- Forms relevant for Councillors;
- Any other information considered relevant or necessary by the Chief Executive Officer or delegate will be made available to all Councillors.

11.2 The Councillor Portal will be the primary resource portal for Council business papers and key information for Councillors.

12 Room Use

12.1 Meeting rooms owned and controlled by the Council can be booked by Councillors free of charge for meetings, interviews and other functions associated with their role as Councillors (other than for election purposes). In the event Council does not have a suitable facility in the area, such as forward meetings, Council will meet the reasonable costs of a suitable venue but the Councillor takes responsibility for leaving the room in accordance with any requirements of the venue owner, if there are no Council staff at the meeting.

12.2 Free use of meeting rooms for use by Councillors does not include community or other groups who would be subject to Council's policy on the use of Council facilities. Community and other organisations where Councillors are nominated as Council representative or delegates to these groups are not entitled to free use of Council facilities.

13 Stationery and Secretarial Support

13.1 Councillors will be supplied with:

- Christmas cards and envelopes of standard size;
- business cards;
- a diary;
- supplies as required of personalised Council letterhead;
- other stationery as appropriate.

13.2 Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of the civic office (and must not to be used for election purposes).

13.3 Secretarial support will be made available by the Chief Executive Officer for Councillors to assist them in responding to correspondence and inquiries as part of their official duties as a Councillor.

14 Building Access and Parking

14.1 Each Councillor will receive a computerised fob allowing access to the Whitehorse Civic Centre, 379-397 Whitehorse Road Nunawading. Loss or theft of this fob must be reported immediately to the Executive Assistant to the Mayor and Councillors.

14.2 Designated parking spaces for Councillors will be available at the Whitehorse Civic Centre; a 'Councillor Sticker' will be issued to Councillors for their vehicle/s providing the Councillor has nominated the vehicle registration number/s to Executive Assistant to the Mayor and Councillors.

15 Name Badge

Each Councillor and his/her partner will be provided with a name badge for use while on Council business.

16 Functions

16.1 The purchase of a City of Whitehorse table/s at functions shall be first approved by the Manager Governance and Integrity in consultation with the Chief Executive Officer.

16.2 Any invitations to attend an event or function, which are related and relevant to the 'duties of a Councillor', must be received in writing ie formal invitation by name, from the event organiser in order for Council to cover this expense (note: in writing is inclusive of email and social media messages);

16.3 Councillors shall be reimbursed for function, dinner and lunch costs for his/her partner where the Councillor and partner have been specifically invited to the event as representatives of the Council. A partner or guest may accompany a Councillor to functions where other attendees are generally accompanied by partners. The functions will generally involve luncheons and evening activities and be of a nature where other attendees will be accompanied by partners.

17 Facilities for the Mayor

Each Mayor will be provided with:

- A perpetual Mayoral medallion for use at official functions and at the end of the Mayoral term will be presented with a replica medallion in recognition of their services;
- A fully maintained vehicle will be provided in accordance with the requirements and provisions of Council's Fleet Policy;
- A mobile phone device with appropriate hands-free phone unit fitted in the Mayoral car;
- Secretarial support via the Executive Assistant to the Mayor and Councillors to assist the Mayor and Mayoral Partner in performing their official duties;
- Office accommodation and associated equipment within the Civic Suite of the Whitehorse Civic Centre.

18 Travel Expenses Private Vehicle Use

18.1 Councillors using their private vehicles outside of the municipality to carry out their official Council functions will be reimbursed reasonable expenses as per the applicable kilometres rate applicable where such costs are incurred as part of their official duties.

18.2 Travel within the municipality is deemed to be covered by the Councillor allowance.

18.3 Claims for reimbursement of travel must be submitted within three (3) months of the date from which they are incurred.

18.4 This policy covers travel expenses within Victoria. A separate policy exists covering conference attendance and interstate/overseas travel by Councillors.

19 Cabcharge Cards or Ride Share Services

- 19.1 Councillors may use Cabcharge cards/E Tickets or Ride Share taxi travel to assist them to carry out their functions as Councillors. Councillors will be supplied, upon request, with Cabcharge cards for reasonable use whilst carrying out their official duties.
- 19.2 A monthly statement is to be signed off by applicable Councillors detailing by number the Cabcharge cards used / Ride Share trips and brief details of the trip.
- 19.3 Cabcharge cards / Ride Share trips are to be used only as a last resort when no other transport option is available or practicable.
- 19.4 Cabcharge cards are to be used by the cardholder only and must not be provided to any other individual for use.

20 Public Transport

Myki cards are issued upon request for appropriate Council business use.

21 Carparking Fees

Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts/other relevant details regarding the purpose, date and time of the meeting or function.

22 Indemnity Provision (section 43 of the Act)

- 22.1 Councillors and members of a delegated committee are indemnified against all actions or claims whether arising during, or after their term of office in respect of anything necessarily done or reasonably done, or omitted to be done in good faith:
- a) In the performance of a duty or a function or the exercise of a power under the Act, or regulations or a local law or any other Act; or
 - b) In the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a power under the Act, the regulations or a local law or any other Act.
- 22.2 Councillors are included as covered persons-under the following Council insurance policies while carrying out their duties as a Councillor:
- Public liability;
 - Professional indemnity;
 - Councillors and Officers liability;
 - Corporate Travel (including partners);
 - Workers Compensation.
- 22.3 The Council is responsible for the insurance policy excess with respect to a claim made against a Councillor while carrying out their duties as a Councillor and conducting Council business. All claims decisions are made by the insurer.
- 22.4 The terms and conditions for all insurance policies is reviewed annually.

ACCOUNTABILITY

Section 40 (2) of the Act specifies that a Council must provide details of all reimbursements under this section to the Audit and Risk Committee.

23. Out of pocket expenses/reimbursement will be audited on a quarterly basis by the internal auditor and any items considered to be outside the Local Government Act 2020, or this policy will be reported to the Audit and Risk Committee.
24. A biannual report of all Councillor expenses will be provided to Council's Audit and Risk Committee by the Director Corporate Services and communicated to all Councillors. The report to include expenses incurred by Councillors during the previous six months and reimbursements made to Councillors during the previous six months.
25. The facilities and services, as identified in this policy are not available for use by members of a Councillor's family.

RELATED POLICIES AND LEGISLATION

Conference Attendance and Travel by Councillors Policy

Public Transparency Policy

IT Security Policy

Email and Internet Usage Policy

Mobile Devices Policy

Social Media Policy

Governance Framework

Carers Recognition Act 2012

Equal Opportunity Act 2010

Gender Equity Act 2020

Local Government Act 2020

REVIEW

Responsible Manager: Manager Governance and Integrity

Date reviewed: August 2021

Date of next review: August 2024

Carers Recognition Act 2012 – Extract

Section 4 Meaning of Care Relationship

- (1) For the purposes of this Act, a person is in a care relationship if he or she provides another person, or receives from another person, care because one of the persons in the relationship:
 - (a) has a disability; or
 - (b) is older; or
 - (c) has a mental illness; or
 - (d) has an ongoing medical condition (including a terminal or chronic illness or dementia).
- (2) Despite subsection (1), the following relationships are also care relationships for the purposes of this Act:
 - (a) a relationship where an individual has custody and guardianship of a child under a permanent care order made under Part 4.10 of the Children, Youth and Families Act 2005; and
 - (b) a relationship where a child is placed with an individual who provides care to that child under a child care agreement made under Part 3.5 of the Children, Youth and Families Act 2005; and
 - (c) a relationship where a child is placed with an individual who provides care to that child under a protection order made under Part 4.9 of the Children, Youth and Families Act 2005.
- (3) For the purposes of this Act, a person is not in a care relationship with another person merely because he or she:
 - (a) is the spouse, or the domestic partner within the meaning of the Children, Youth and Families Act 2005, of the other person; or
 - (b) is the parent, child or other relative of the other person; or
 - (c) lives with the other person.
- (4) Despite anything to the contrary in this section, a person is not in a care relationship for the purposes of this Act if he or she provides care to another person:
 - (a) under a contract of service or a contract for the provision of services; or
 - (b) under an employment contract; or
 - (c) in the course of doing voluntary work for a community organisation; or
 - (d) as part of the requirements of an education course or training.
- (5) A person described in subsection (1) or (2) may be in a care relationship even if the person receives funding from either the Commonwealth or State Government in relation to carrying out the role of a carer.