



**COUNCILLOR AND MEMBER OF A  
DELEGATED COMMITTEE  
EXPENSES POLICY**

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## 1. INTRODUCTION

Section 41 of the *Local Government Act 2020* (the Act) provides that councils must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

Section 41 does not refer to community asset committees or other committees, however, the Council can reimburse the expenses of members of such committees:

- a) in accordance with this Policy; or
- b) by resolution.

The Policy should be read in conjunction with other relevant Council policies and documents adopted from time to time, including, but not limited to, those listed in **Appendix 1**.

## 2. AUTHORISING PROVISION

This Policy was adopted by the Council at its meeting on 12 December 2022 and replaces the previous policy adopted on 17 August 2020.

## 3. COMMENCEMENT DATE

This Policy is effective from 1 April 2023.

## 4. ACCESS TO THE POLICY

This Policy will be published on the Council website and be available for inspection at the Stonnington Centre, 311 Glenferrie Road, Malvern.

## 5. PURPOSE

The purpose of the Policy is to establish the facilities, resources and support necessary or appropriate to provide support to Councillors and members of delegated committees, in the performance of their duties including:

- a) outlining entitlements for reimbursement of reasonable out of pocket expenses incurred while performing duties;
- b) establishing Councillors' support, resources and equipment entitlements associated with performing the duties of a Councillor; and
- c) establishing Councillors' entitlements to professional development support.

The policy also sets out the processes for ensuring the costs of resourcing and supporting councillors and members of a delegated committee and the value of any expenses reimbursed are reported to the Audit and Risk Committee and the community in a timely manner which promotes transparency and accountability.

## 6. OBJECTIVES

The Policy has been adopted to ensure the transparent and responsible provision of resources and support required by:

- a) maximising the value of seminar, conference and professional development attendance;
- b) providing the approval processes for all interstate and overseas travel by Councillors;
- c) establishing the process for reimbursement of expenses;
- d) providing resources and support; and
- e) reporting the reimbursement of expenses:
  - i. to the Audit and Risk Committee, as required under section 40(2) of the Act; and
  - ii. on the Council's website each quarter.

## 7. BACKGROUND

Under the Act the 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.

The Act also requires the Council to adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. Under the Act, the Policy adopted by the Council 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 reimbursement of expenses; and
- c) provide for the reimbursement of child care costs where the provision of child care is reasonably requirement 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.

In addition the Act requires that the Council must:

- make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role; and
- consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability; and
- 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

This Policy requires the Council to reimburse a Councillor and a member of a delegated committee for expenses if the Councillor or member of a delegated committee:

- applies in writing to the Council for reimbursement of expenses; and
- establishes in the application to the Council that the expenses were reasonable bona fide out-of-pocket expenses incurred while performing duties as a Councillor or a member of a delegated committee.

## **8. SCOPE**

### **8.1 GENERAL**

Under the Policy, the provision of facilities, resources and support to Councillors, and the expenses paid or reimbursed to Councillors, will be consistent with the following :

- a) the standards of conduct prescribed in the Local Government (Governance and Integrity) Regulations 2020 (Schedule 1) and the *Councillor Code of Conduct*;
- b) encouraging diversity in participation, equity and access; and
- c) good governance, accountability and transparency.

The Policy presumes councillors and members of a delegated committee are residents in the municipality, and any additional costs or expenses attributable to a councillor's or member's of a delegated committee residence being outside the municipality are considered inappropriate for reimbursement in the absence of a prior Council resolution to the contrary.

Any cost or expense (or portion thereof) which should reasonably be borne by another entity, or for which another entity is reasonably liable, is outside the scope of this policy and shall not be paid or reimbursed by Council.

## 8.2 POLICY CONTEXT

This Policy describes the basic entitlements of councillors and members of a delegated committee to reimbursement of out-of-pocket expenses, facilities, resources and support necessary or appropriate in relation to the performance of their duties as a Stonnington councillor or a member of a delegated committee.

This Policy is not intended to cover for every possible situation that may arise. Should a situation arise that is not adequately covered by this Policy, the matter will be referred to the Council for determination by resolution.

Any expenses, facilities support or resources not specifically addressed in this policy will be assessed by reference to Part 2, Division 5 of the Act and any prescribed regulations.

## 8.3 DUTIES

Where duties performed are necessary or appropriate for the purposes of achieving the objectives of the Council having regard to any relevant Act, Regulations, Ministerial Guidelines and Council policies, Councillors are entitled to access facilities, support and resources as described in the Policy and the Act.

The duties and activities include, but are not limited to attendance at:

- a) Council meetings, meetings of committees of the Council and Councillor Briefing Sessions organised by the Chief Executive Officer or delegate;
- b) civic or ceremonial functions convened by the Council, the Mayor or the Chief Executive Officer;
- c) meetings or workshops scheduled by the Council, the Mayor or the Chief Executive Officer;
- d) community meetings and ward meetings;
- e) site inspections or meetings or delegations or deputations to which the Councillor is the Council representative or relevant to a matter which is, or is anticipated to be, the subject of a decision of the Council;
- f) meetings or functions as the nominated representative of the Council or the Mayor;
- g) meetings of community groups, organisations and statutory authorities to which the Councillor is the Council delegate or representative;
- h) discussions with officers or any person, on any matter relating to the Council;
- i) seminars, training, conferences or professional development courses as an attendee, speaker or the Council's representative or delegate, which:
  - i. contribute to the development of personal and professional skills or knowledge of the Councillor which are necessary for the performance of his or her duties;
  - ii. are consistent with the Council's objectives;
  - iii. will cover or present material with application, importance or relevance to current or future issues faced by the Council; and
  - iv. are within the approved budget for conferences and seminars.

## 8.4 ELECTION PERIOD

In accordance with the Election Policy as stated in the Governance Rules.

## 8.5 PRIVATE USE

Council resources must not be used for private purposes with the exception of the Mayoral vehicle.

## 9. MAYORAL AND COUNCILLOR ALLOWANCES

The Act (section 39) provides that:

- a) Mayors, Deputy Mayors and Councillors are entitled to receive from the Council an allowance in accordance with a determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*;

- b) a Mayor or a Deputy Mayor is not entitled to receive an allowance as a Councillor while receiving an allowance as a Mayor or a Deputy Mayor;
- c) a Council cannot pay an allowance that exceeds the amount specified in the relevant determination;
- d) a Mayor, Deputy Mayor or Councillor may elect to receive:
  - i. the entire allowance; or
  - ii. a specified part of the allowance; or
  - iii. no allowance.

Mayoral and Councillor allowances are taxable income and Councillors should establish processes for documenting claimable expenses. Any personal taxation implications from the receipt of allowances are the responsibility of individual councillors,

Councillors will be supplied with a statement of earnings at the end of each financial year.

Allowances are also subject to the addition of the amount equivalent of the superannuation guarantee levy.

## **10. STATUTORY PROVISIONS**

### **10.1 DETERMINATIONS OF ALLOWANCES**

The Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 makes provision for the Victorian Independent Remuneration Tribunal to:

- a) determine allowances for Mayors, Deputy Mayors and Councillors;
- b) determine Council allowance categories;
- c) inquire into and determine the allowances payable to Mayors, Deputy Mayors and Councillors; and
- d) make determinations which provide for allowances to be indexed.

### **10.2 REIMBURSEMENT OF EXPENSES**

Section 40 of the Act provides that councils must:

- a) reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied:
  - i. are bona fide expenses; and
  - ii. have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
  - iii. are reasonably necessary for the Councillor or member of a delegated committee to perform that role; and
- b) provide details of all reimbursements to the Audit and Risk Committee.

## **11. RESOURCES AND FACILITIES FOR THE MAYOR AND COUNCILLORS**

The Act (section 42) provides that the Council must make available to the Mayor, Deputy Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role. Council Resources should not be used for personal use.

The Council must also consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability.

### **11.1 ANNUAL BUDGETARY PROVISION**

The Council will make provision in its annual budget for the reimbursement of expenses.

### **11.2 OFFICES AND MEETING ROOMS**

The Council will provide a suitably equipped office for the Mayor within the Stonnington Centre, 311 Glenferrie Road, Malvern.

Subject to availability, meeting/function rooms owned and controlled by the Council can be booked by Councillors, free of charge for meetings, interviews and other functions provided they are associated with Council business.

Councillors will be given access to the Councillors' Room at the Stonnington Centre, and the Mayoral Suite, Lounge & Dining Room and Council Chamber in the northern wing of the Malvern Town Hall. Councillors will have access to photocopying and printing facilities during office hours at the Stonnington Centre.

### **11.3 EQUIPMENT AND STATIONERY**

Councillors will be provided with standard stationery, equipment and consumables held or obtained generally for the organisation's requirements, including, but not necessarily limited to, paper, writing implements, printer cartridges, envelopes and the like.

Council letterhead will be provided for correspondence that has been approved by the Council or for the Mayor to correspond as the Council's official spokesperson.

Councillors will be provided with personalised business cards and name badges for themselves and their partners.

### **11.4 APPAREL**

The Council shall, upon request, lend Councillors and members of a delegated committee protective clothing such clothing as may be held in store to meet the organisation's requirements required to assist in carrying out the duties of office. This clothing is to be returned promptly upon the completion of the activity/duty for which the articles were required.

This clothing shall be limited to wet weather pants and pullover, gumboots, winter jacket and/or hat, safety equipment like hi-vis vest and hard hat or other such clothing as may be held in store to meet the organisation's requirements, unless otherwise resolved by Council for a specific item(s).

### **11.5 MEALS AND REFRESHMENTS**

Where physical Council meetings, functions or events are held at times that extend through and beyond normal meal-times, the Council will provide suitable meals and refreshments for Councillors.

Councillors may request light refreshments when meeting others during office hours in the Stonnington Centre or Malvern Town Hall (48 hours' notice is required to ensure refreshments can be provided.) The level of refreshments provided, will be at the discretion of the Chief Executive Officer.

### **11.6 ACCESS**

Councillors will be provided with suitable access to the Stonnington Centre and the first floor northern wing of the Malvern Town Hall.

### **11.7 PARKING**

In accordance with Councillor Parking Permit (Area 80) - Conditions of Use:

1. Councillor Parking Permits are designed to enable Councillors to park in 'Council Vehicle Exempted' areas at both Malvern and Prahran Town Hall Car Parks. Permits also allow vehicles to be parked in Residential Permit Zones and to overstay time restrictions outside residential premises throughout the Municipality to visit constituents provided the vehicle is parked in accordance with the Conditions of Use outlined below. These conditions also apply to general residential parking permits.
2. Permits must be attached to the bottom left corner of the windscreen. All permit details must be clearly visible to a person standing beside the vehicle.
3. Councillor Parking Permits **do not apply at any time** to:
  - primary/main roads (unless otherwise signed)
  - off street car parks
  - ticket parking areas



- parking zones of 30 minutes or less
  - Disabled Persons Parking areas
  - prohibitive parking areas including:
    - Clearways
    - Loading Zones
    - No Parking or 'Street Sweeping' Zones
    - No Stopping areas
    - any location (other than Permit Zones) where prohibitive (red) signs are in force
  - any location outlined in the Road Safety Road Rules 2017 where signage is not required e.g.: within 10m of an intersection, across a driveway, facing the wrong way etc.
  - outside or adjacent to non-residential and commercial premises. This applies to any point at the front, back and sides of the building. The ground floor purpose of the premises determines its commercial status.
4. Councillor Parking Permits are designed for passenger cars or motorcycles only. Permits are not valid for: vehicles considered to be designed for commercial use or constructed for carrying loads with a capacity in excess of one tonne including utilities, trucks, trays and vans; vehicles more than six metres in length; prime movers; trailers; boats; caravans or unregistered vehicles.
  5. Faded or illegible permits must be replaced.
  6. Where a vehicle is replaced prior to the expiry of the permit, the permit must be removed from the windscreen and returned to Council with a written request for replacement. Permits that are not returned may not be replaced until after their expiry.
  7. The use of parking spaces may be suspended by the members of Victoria Police or by Authorised Council Officers where emergency situations arise.

Infringements may be issued if a current permit is not displayed, not clearly visible, or if the vehicle is parked in an incorrect permit area. Parking permits do not exempt a Councillor from all other road (parking) rules.

Any Councillor wishing to appeal against an infringement will be required to follow the statutory appeal process which applies to any other person.

#### **11.8 CARER IN A CARE RELATIONSHIP CHILDCARE AND FAMILY CARE**

Councillors are entitled to have paid by the Council, or reimbursed the cost of caring expenses incurred by a Councillor who is a carer in a care relationship within the meaning of the Carers Recognition Act 2012 while discharging their duties as a councillor within the scope of this policy subject to the following conditions:

- the maximum hourly rate a councillor will be reimbursed for providing care in a care relationship is thirty three dollars and seventy five cents (\$33.75) per hour indexed annually to CPI at the commencement of each Mayoral term; and
- carer costs must be substantiated showing dates and times the care was provided and the councillor shall show why the care was needed on each occasion.

Councillors and members of a delegated committee are entitled to have paid by Council, or reimbursed, the cost of child care / family care expenses for immediate family members, necessarily incurred by councillors or members of a delegated committee whilst discharging their duties as a councillor or a member of a delegated committee within the scope of this policy, subject to the following conditions:

- for the purposes of this policy, family care relates to care provided to any immediate family member who is either a child or a sick, elderly or disabled person.
- the maximum hourly rate a councillor or a member of a delegated committee will be reimbursed for child care / family care expenses is as follows:

<b>Child Care / Family Care Arrangement</b>	<b>One and/or Multiple Child / Family Person Requiring Care</b>
Single Child Care / Family Care Dwelling (i.e. Child Care / Family Care situated all in one centralised location i.e. the family home)	\$54.40 per hour collectively for one and/or multiple child care / family care person requiring care in the one centralised location indexed annually to CPI at the commencement of each Mayoral term
Multiple Child Care / Family Care Dwelling (i.e. Child Care / Family Care situated in at least 2 or more separate locations i.e. the family home and/or separate care centres)	\$54.40 per hour per each individual child care / family care person requiring care in each specified location indexed annually to CPI at the commencement of each Mayoral term

- the Child care / family care costs must be substantiated from the caregiver showing the dates and times care was provided, and the councillor or a member of a delegated committee shall show why the care was needed on each occasion.
- the Child care / family care costs are not eligible to be paid by Council, or reimbursed if the caregiver is a part of the immediate family (e.g. partner, mother/father, sister/brother, grandmother/grandfather or sister-in-law/brother-in-law) of the councillor or member of a delegated committee. Council will also not pay for or make a reimbursement if the person normally or regularly lives with the councillor or the member of a delegated committee.

For the purposes of this policy, a child means a person who is under the age of 18 years.

### **11.9 SUPPORT FOR A COUNCILLOR WITH A DISABILITY**

Council will provide reasonable additional support, facilities, and equipment for any councillor with a disability to enable that councillor to perform the duties of a councillor.

Councillors are entitled to claim reimbursement for the reasonable cost of assistive devices or assistive personnel.

Where reimbursement is claimed for the purchase of an assistive device, that device shall become the property of Council.

Claims for reimbursement for assistive devices or assistive personnel will only be considered where the use of the device or the assistance required, relates specifically to the performance of a councillor's duties.

Any councillor wishing to claim reimbursement in excess of \$150 (indexed annually to CPI at the commencement of each Mayoral year) for assistive devices will require prior approval from the Chief Executive Officer in consultation with the Mayor.

The maximum hourly rate a councillor will be reimbursed for assistive personnel is thirty four dollars (\$34) per hour indexed annually to CPI at the commencement of each Mayoral year.

### **11.10 IT SUPPORT**

#### **11.10.1 Councillor portal**

A Councillor portal will be available and provide access to:

- a) Council, delegated committee and Councillor briefing business papers;
- b) correspondence directed to multiple Councillors;
- c) information about current Council projects and achievements;
- d) Council policies and resource materials; and
- e) a media monitor service.

The make, model and specifications of any communications equipment, the associated contracts or plans, and the replacement of any communications equipment shall be at the discretion of the Chief Executive Officer or their delegate.

#### **11.10.2 IT equipment**

Councillors will be provided with IT equipment, meeting the Council's IT standards, in order to facilitate Council-related communications between Councillors, the community and the Council.

Equipment, software, service and facilities offered includes:

- a) mobile telephone and Bluetooth wireless adaptor (for Councillors' private vehicles that do not support Bluetooth);
- b) a hybrid tablet/laptop device;
- c) Microsoft Office programs will be installed on the hybrid device;
- d) Cloud-based data storage (Office365);
- e) a multi-function unit for printing, photocopying and scanning documents;
- f) mobile phone voicemail; and
- g) IT support during business hours.

Mobile telephones and hybrid devices will all have wireless broadband capability and be mobile internet enabled.

Mobile telephones and hybrid devices maybe replaced and upgraded after two years, at the request of the Councillor, subject to the approval of the Chief Executive Officer or their delegate.

The above equipment/facilities remain the property of the City of Stonnington and must be returned at the end of a Councillor's term of office. Sale of the above equipment to Councillors, will be at the discretion of the Chief Executive Officer and subject to the Assets Disposal Policy.

The Council will reimburse Councillors' home internet fees up to a maximum of \$100 per month when in the course of conducting Council business.

#### **11.10.3 Damaged equipment**

Equipment provided to a Councillor should last the full Council term. If an item of equipment is lost or damaged the items will be replaced. The Chief Executive Officer will determine if any contribution shall be made to the cost of replacement by the Councillor taking into consideration the replacement cost and the circumstances relating to the loss.

#### **11.10.4 Lost or Stolen equipment**

Any equipment that is stolen should be reported to Victoria Police and depending upon the equipment, an insurance claim for compensation shall be lodged.

#### **11.10.5 Website**

Councillors will be provided with a page on the Council's website, the content of which may include a photograph, contact details, ward map, personal statements, hobbies and interests, Councillor assignments (areas of responsibility or appointments by the Council to committees), academic qualifications and professional memberships.

This information will be limited during the election period leading up to a Council general election or by-election.

Additional information may be included on the Councillor's webpage at the Councillor's request, subject to the content being approved for publication by the Chief Executive Officer.

## **12. HEALTH AND WELLBEING**

In line with the Council's commitment to promoting a healthy working environment, Councillors and their direct family members (partner / children) have access to the Council's appointed confidential professional counselling service in relation to personal and Council related problems or concerns that may impact on their capacity to effectively undertake their role.

### **13. EXPENSE LIMITATIONS**

Support or reimbursement will not be provided if the costs:

- a) relate to a cost or expense which should reasonably be borne by another entity, or for which another entity is reasonably liable; or
- b) relate to expenses of a personal nature.

The Policy presumes Councillors are residents in the municipality, and any additional costs or expenses attributable to a Councillor's residence being elsewhere are considered inappropriate for reimbursement in the absence of a prior Council resolution to the contrary.

### **14. ADMINISTRATIVE SUPPORT**

The Chief Executive Officer shall provide an appropriate level of administrative support for the Mayor and Councillors.

Administrative support may include, but not be limited to, responding to invitations, media releases, maintaining the mayoral diary and constituent/community contact activities, booking meeting rooms, organising meetings and refreshments (if requested). Assistance is always available in respect to access and use of any equipment including IT systems.

The level of administrative support shall be determined by the Chief Executive Officer.

### **15. NON ALLOWABLE EXPENSES**

The Council will not reimburse expenditure in relation to:

- a) alcohol;
- b) snacks;
- c) any costs associated with accommodation that are outside room and breakfast (e.g., mini bar, laundry, tips and gratuities);
- d) airline club fees;
- e) excess baggage claims;
- f) toiletries;
- g) lost items;
- h) hair stylist or barber;
- i) tourism related costs (e.g.: day trips, excursions, activities, hire of bikes or boats etc.);
- j) reading materials (including newspapers, magazines, books etc.);
- k) traffic, parking or speeding fines;
- l) travel costs not associated with the conference or event;
- m) in-flight or in-house movies or entertainment costs;
- n) personal gifts, goods, services or souvenirs purchased; or
- o) costs incurred for family or other persons travelling with Councillors (including meals, travel, incidentals etc.).

### **16. PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS**

The Council is a member of various peak body groups which provide opportunity for professional development and individual membership by Councillors is encouraged where no corporate membership exists.

Professional memberships that are considered to be reasonable bona fide out of pocket expenses are:

- Australian Institute of Company Directors.
- Governance Institute of Australia.
- The Australian Local Government Women's Association.
- Institute of Managers and Leaders.
- The Planning Institute of Australia.

These costs will be met from the organisational Corporate Membership Fees budget.

Other individual memberships, professional associations or subscriptions which are considered demonstrably beneficial to Council or the performance of the duties of a councillor or member of a delegated committee may be reimbursed subject to a resolution of the Council.

## **17. CONFERENCES, SEMINARS AND PROFESSIONAL DEVELOPMENT**

Councillors and members of a delegated committee are entitled to have paid by Council, or reimbursed, the cost of attending conferences, seminars, training and professional development courses within the scope of this policy including:

- registration fees;
- accommodation costs and expenses; and
- reasonable costs and expenses for meals and refreshments

where attendance has been approved in advance by the Council or the Chief Executive Officer or the Chief Executive Officers' delegate.

### **17.1 PROGRAMS**

Upon the commencement of each electoral term, a purpose designed induction program will be provided to all Councillors. In the first year of a Council term, costs associated with all training and development needs are absorbed as part of an induction period budget and do not form part of quarterly expense reports.

Council will also provide access to the following professional development programs/initiatives for the Councillor group:

- Meeting procedure
- Chairing of meetings
- Media training
- Governance Training e.g. Australian Institute of Company Directors courses
- Financial training
- Team building and interpersonal skills
- MAV and /or VLGA Councillor Development programs

The cost of these professional development programs/initiatives will not be included as part of the annual financial allocation to Councillors. The cost will form part of the quarterly expense reports.

### **17.2 ANNUAL FINANCIAL ALLOCATION FOR PROFESSIONAL DEVELOPMENT**

An annual financial allocation, indexed to CPI, is available for the Mayor and Councillors to attend, conferences seminars and professional development courses as follows:

\$7,410 per annum for the Mayor  
\$6,000 per annum per Councillor

calculated for the period November to October, coinciding with the Mayoral Election. The annual financial allocation will be subject to annual review as part of the Council budget approval process. Any amount unspent will not carry over to a subsequent year.

Any Councillor wishing to spend in excess of their allocation will require Council approval in advance. The individual allocations are available for use at the discretion of the Councillor in order to access reasonable professional development. The professional development must benefit the individual councillor in serving the Stonnington community.

Except for the induction program in the first year of a Council term and the Australian Institute of Company Directors (AICD) course all other professional development will be costed to each individual Councillor Annual Financial Allocation.

Professional development needs which require or involve on-going, longer-term support, guidance or mentoring, vocational tertiary education must be discussed with the Chief Executive Officer or delegate who will assist Councillors and a member of a delegated committee in line with an agreed framework and process.

### **17.3 APPROVAL**

Attendance at a conference, seminar or professional development course is authorised by either:

- a) the Chief Executive Officer or delegate; or
- b) a Council resolution.

Generally, a maximum of **four** Councillors may attend the same event for any interstate or overseas conference, workshop or seminar with the learnings and session handouts being shared amongst other Councillors.

### **17.4 ACCOMMODATION**

Where Councillors attend a conference, seminar etc. which is interstate, at a Victorian regional centre that is held over more than one day, accommodation will be provided on conference nights. For example, should a conference, event or function commence on a Sunday afternoon and finish on Wednesday at 12 noon, accommodation will be provided for the Sunday, Monday and Tuesday nights only.

Accommodation will be provided the night prior to the commencement of a conference providing the conference commences prior to 12 noon. Where the conference, event or function commences after 12 noon it is expected that Councillors will travel on the morning of the intended conference, event or function.

This requirement will however be assessed according to the distance required to be travelled by the Councillor giving consideration to issues of fatigue and the health, safety and wellbeing of the Councillor to travel extended distances.

Generally meals will be covered in the conference or event fee however, where this is not the case reasonable costs of the meals will be reimbursed to Councillors.

Any additional costs incurred as a result of extended stays, the attendance of partners and/or children and the cost of non-essential room extras such as mini bar or in-house movies shall be borne by Councillor.

Councillors may choose to upgrade their accommodation at their own expense.

## **18. REPRESENTING COUNCIL**

Each year, and from time to time, Council resolves to appoint councillors to represent it on a number of specific organisations/bodies with the delegated authority of Council on appropriate matters. For these organisations/bodies the nominated Councillor(s) or their substitute are to be Council representatives at regular meetings of these organisations and any special events, with partners where appropriate.

Where Council has not appointed a Councillor representative to a particular organisation or group, and Council receives an official invitation seeking Council representation at an event, the following shall apply to determine Councillor representation at an event:

- The Mayor as first amongst equals will be given the opportunity to attend the event.
- If the Mayor is unable to attend, the Deputy Mayor will be offered the opportunity to attend the event.
- If the Mayor and Deputy Mayor is unable to attend, the Mayor will offer the opportunity to another Councillor.
- If Council via a Council resolution or the Chief Executive Officer in consultation with the Mayor determine that official representation of all Councillors is considered necessary or appropriate to support the business or representational needs of Council.

The Councillor representing the Council at that event shall be entitled to have paid by the Council, or reimbursed, reasonable bona fide costs associated with representing the Council at the event.

Should any other councillor wish to attend the event then the costs associated with attending the event will be borne by the Councillor and do not form part of the annual financial allocation for professional development

## **19. TRAVEL**

### **19.1 INTERNATIONAL**

International travel will be the subject of a prior Council approval.

### **19.2 INTERSTATE**

Interstate travel will be the subject of a prior Council approval except:

- a) where the matter is approved by the Chief Executive Officer after consultation with the Mayor
- b) the matter is urgent and imperative to Council business; and
- c) there is no opportunity to refer the matter to a Council meeting for resolution.

### **19.3 AIR TRAVEL**

Air travel within Australia shall be economy class flights sourcing the best available options. When selecting flights, consideration should be made to adjusting schedules to take advantage of cheaper alternatives. Council Staff will attempt to source the best price and conditions when booking flights.

When travelling overseas, business class travel is permitted subject to the best available fare option being sourced. Council staff will make arrangements for any overseas travel.

### **19.4 MAYORAL VEHICLE**

The Mayor will have access to a fully maintained vehicle (including servicing, fuel and insurance). The make and model of the vehicle will be in accordance with Council policy or at the discretion of the Chief Executive Officer and in consultation with the Mayor.

The vehicle will be available for use by the Mayor in the discharge of their duties and for reasonable private use during the Mayoral term.

It is expected that the cleanliness of the vehicle will be maintained at all times by the Mayor. Cleaning of the vehicle is the responsibility of the Mayor and reasonable costs for a car wash and the cleaning of the interior may be claimed for reimbursement.

The mayoral vehicle will be traded in accordance with the Council's normal vehicle replacement policy.

### **19.5 OTHER TRAVEL EXPENSES**

The cost associated with the use of a Councillor's private vehicle, when in the course of conducting Council business, will be reimbursed at the standard Australian Taxation Office rate.

When in the course of conducting Council business, taxis or commercial passenger vehicles should only be used where they are the most efficient means of transport available. Tax Invoices are required in all cases where a reimbursement by Council is required.

## **20. BOOKING ARRANGEMENTS**

All booking arrangements for conferences, travel etc. will be made by Council staff and suitable time must be provided for the arrangements to be made.

## **21. SPOUSES, PARTNERS AND CARERS**

Attendance at any seminar, conference or civic function by a Councillor's spouse, partner or carer shall be at the expense of the Councillor except where:

- a) prior approval has been given by the Council or the Chief Executive Officer;
- b) the attendance is considered to be necessary to conduct the business or representational needs of the Council; and
- c) provision exists in the relevant budget.

Where the Council or the Chief Executive Officer has approved such attendance, Councillors are entitled to have paid by the Council, or reimbursed, their spouse's, partner's or carer's:

- a) registration fees (for a civic function, but not a seminar or conference);
- b) reasonable costs for meals and refreshments; and
- c) attendance at a conference dinner within Victoria.

Additional costs incurred for the attendance of a spouse, partner or carer will be at the expense of the Councillor.

Councillors are entitled to have paid by the Council, or reimbursed, the reasonable costs and expenses of their spouse, partner or carer attending:

- a) Council functions;
- b) functions held by other Victorian municipalities or local government peak bodies; and
- c) where there is an expectation of attendance by a spouse, partner or carer.

## **22. LEGAL FEES**

Other than by a specific Council resolution, or in accordance with a Council policy, any legal expenses incurred by a councillor initiating an action are the responsibility of the Councillor. Where the Councillor is the defendant or respondent in an action brought against them in their role as Councillor by a third party, the Council's appropriate insurance policy will respond (subject to terms and conditions) and cover such costs. The Council will cover any insurance excess (known as a deductible) in these circumstances.

## **23. REIMBURSEMENT OF CLAIMS**

### **23.1 SUBMISSION OF CLAIMS**

Claims are to be submitted on the prescribed form to the Executive Manager Legal and Governance.

Claims should be accompanied by original receipts/tax invoices for any expenses claimed which clearly identify the names of the payee and ABN where applicable.

If receipts cannot be produced, Councillors and members of a delegated committee may be required to provide a statutory declaration.

Claims must include sufficient detail to demonstrate, in accordance with the Act, the expense for which reimbursement is claimed is valid and a reasonable out-of-pocket expense incurred while performing the duties of a Councillor or a member of a delegated committee and meet the Australian Taxation Office standard for proof of payment.

Where the Council has directly funded an expense e.g. Telstra mobile telephone account a claim form is not required to be completed.

### **23.2 TIMEFRAME FOR CLAIMS**

Claims must be submitted in a timely manner to ensure transparency and accountability.

Claims for reimbursement for the September, December and March quarters must be submitted by the close of business of the following month.

Claims for reimbursement of expenses in the June quarter must be submitted within 14 working days of the end of the financial year.



Claims for reimbursement which are not submitted in accordance with the timeframes set out above will not be processed or paid except where the Council resolves to accept the claim.

Reimbursements will be paid by electronic funds transfer within 21 days of a compliant claim form being submitted.

### **23.3 ASSESSMENT OF CLAIMS**

The Executive Manager Legal and Governance or their delegate will process all claims.

If the Executive Manager Legal and Governance or delegate has a question about a claim, they will, in the first instance, discuss this matter with the relevant Councillor or member of a delegated committee.

If required, the Executive Manager Legal and Governance will seek guidance / intervention from the Chief Executive Officer.

If required, the Chief Executive officer will refer claims to a Council meeting for determination.

## **24. INSURANCE AND INDEMNITY**

### **24.1 INSURANCES**

Councillors and members of a delegated committee established by the Council are covered by a range of insurance policies while discharging, in good faith, the duties of civic office including:

- a) public liability;
- b) Councillors' and Officers' liability;
- c) personal accident (accompanying spouses, partners and carers are also covered);
- d) corporate travel; and
- e) workers' compensation, as section 46 of the LGA 2020 refers to Councillors as "*deemed workers*" pursuant to the *Workplace Injury Rehabilitation and Compensation Act 2013*.

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

### **24.2 INDEMNITY**

Section 43 of the Act provides that

*"A Council must indemnify and keep indemnified each Councillor, member of a delegated committee and member of a Community Asset Committee 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".*

The Council will also indemnify external members of delegated committees established by the Council.

## **25. REPORTING**

The expenses paid or reimbursed will be reported:

- a) by inclusion of the details on the Council website each quarter;
- b) to the Audit and Risk Committee – a requirement of section 40(2) of the Act; and
- c) in a public register of overseas and interstate travel (other than interstate travel by land for less than three days)

## **26. MEMBERS OF THE AUDIT AND RISK COMMITTEE**

External members of the Audit and Risk Committee are not covered by this Policy.

## **27. DONATIONS**

Any donations made by a councillor or member of a delegated committee will be made on their own behalf and not on behalf of Council, except in accordance with a prior resolution of Council.

Councillor or member of a delegated committee donations not in accordance with a prior resolution of Council will not be reimbursed by Council.

### **28. OTHER EXPENDITURE NOT SPECIFIED**

Any expenditure not specified in this policy as expenditure for which a councillor or member of a delegated committee is entitled to be reimbursed or paid by Council shall be the responsibility of the councillor or member of a delegated committee, except where Council resolves that a claim is reasonable bona fide expenditure.

Subject to a resolution of Council, a councillor or member of a delegated committee may be reimbursed for expenses incurred in circumstances not provided for elsewhere in the Policy.

### **29. POLICY REVIEW**

This Policy will be reviewed within six months of every general election or earlier where an operational or legislative issue exists or by resolution of the Council.

### **30. POLICY AMENDMENTS**

Amendments to the Policy may be made by the Executive Manager Legal and Governance to reflect legislative or organisational changes who will notify the Councillors of any such amendments.

## APPENDICES

### APPENDIX 1 - COUNCIL POLICIES AND OTHER DOCUMENTS

This Policy has also been developed having regard to the following Council policies:

- *Councillor and Staff Interaction Protocol*
- *Councillor Gift Policy*
- *Councillors Code of Conduct*
- *Election Period Policy*
- *Governance Rules*
- *Mutual Respect Charter*
- *Privacy and Data Protection Policy*
- *Public Transparency Policy*
- *Stonnington Customer Service Charter*

## APPENDIX 2 - DEFINITIONS

In the Policy, the following terms have the meaning indicated:

- **“Carer in a care relationship”** means within the meaning of section 4 of the Carers Recognition Act 2012.
- **Community Asset Committee** means a Community Asset Committee established under section 65 of the LGA 2020;
- **Councillor Code of Conduct** means the Councillor Code of Conduct developed under section 139 of the Act;
- **“Delegated Committee”** means a delegated committee established under section 63 of the Act;
- **“Duties of a Councillor”** means duties performed by a councillor that are necessary or appropriate for the purposes of achieving the objectives of Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies;
- **“Election period”** means the period that starts at the time that nominations close on nomination day and ends at 6:00 pm on election day;
- **“Expenses”** includes:
  - Expenses initially incurred by a councillor or a member of a delegated committee for which a claim is subsequently made for reimbursement; and
  - Expenses incurred by Council for or on behalf of a councillor or a member of a delegated committee;
- **“Member of a delegated committee”** means a member of a delegated committee who is not a Councillor;
- **“Professional Development”** means the process of improving and increasing the capabilities, knowledge and skills of councillors and members of a delegated committee through access to education and training opportunities through outside organisations or in the workplace; and
- **“The Act”** means the Local Government Act 2020.

### **APPENDIX 3 - RELEVANT LEGISLATION**

This Policy has been developed having regard to the:

- *Carers Recognition Act 2012;*
- *Charter of Human Rights and Responsibilities Act 2006;*
- *Child Wellbeing and Safety Act 2005;*
- *Crimes Act 1958;*
- *Gender Equality Act 2020;*
- *Local Government Act 1989;*
- *Local Government Act 2020;*
- *Occupational Health and Safety Act 2004;*
- *Privacy and Data Protection Act 2014;*
- *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019;*
- *Workplace Injury Rehabilitation and Compensation Act 2013;* and
- *Local Government (Governance and Integrity) Regulations 2020.*