



Councillor Expenses Entitlement Policy

**P&I – Gov – 01
Policy & Innovation**

**BALLARAT CITY COUNCIL
Town Hall
Sturt St
Ballarat VIC 3350
Tel. 5320 5500**

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1 DOCUMENT CONTROL INFORMATION

DOCUMENT CONTROL

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2 POLICY STATEMENT

Intent:-

These guidelines give a broad overview of how a Council can provide assistance to its Councillors in carrying out their functions.

The Local Government Act 1989 (Section 75) provides for the reimbursement of “necessary out of pocket expenses” incurred while performing duties as a Councillor.

Objectives:

To establish the entitlements for a Councillor to have necessary out of pocket expenses incurred while performing duties as a Councillor either reimbursed or paid by Council.

Compliance with the Local Government Act 1989 (as amended) Section 75, 75A, 75B and 75C.

75 **Reimbursement of expenses of Councillors**

(1) A Council must reimburse a Councillor for expenses if the Councillor—

(a) applies in writing to the Council for reimbursement of expenses; and

(b) establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.

(2) In this section, **duties as a Councillor** means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

75A **Reimbursement of expenses of members of council committees**

A Council may reimburse members of council committees for necessary out-of-pocket expenses incurred while performing duties as a committee member.

75B **Councillor reimbursement policy**

(1) A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.

(2) A policy adopted by Council under this section must be consistent with—

(a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide; and

(b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.

(3) A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.

75C **Resources and facilities for Councillors**

A Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed for the purposes of this section.

Statement:

1. The basic test that will be applied to determine whether or not an expense is lawfully incurred is whether the expenditure is “necessary” to complete duties as a Councillor.
2. Where this criteria is satisfied and a Councillor has incurred an out of pocket expense they may be reimbursed by Council.

3 OWNER

The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be initially directed to the Policy & Innovation Office.

4 APPLICABILITY

The Policy applies to all Councillors of the Ballarat City Council.

5 PROCEDURE AND GUIDANCE NOTES

Annually as part of the budget process an amount will be set for reimbursement of councillor expenses.

Note this is separate to the annual allowance remuneration set out in Section 74 of the *Local Government Act 1989* (as amended).

Councillor expenses are specified for the following purposes.

5.1 TRAVELLING EXPENSES

Upon the completion and forwarding of a travelling claim form to the Finance Department (Appendix 3), travelling expenses will be paid to Councillors under the following circumstances:

- To attend Council and Special 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 to 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 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;
- 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;

- 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;
- Claims are to be submitted monthly to the Finance Department using the Claim Form for Councillors (Appendix 3).

The rate of reimbursement of motor vehicle expenses shall be based on the rates set out in the Australian Taxation Act for reimbursement or employees' use of vehicles 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

5.2 INTERSTATE AND INTERNATIONAL TRAVELING EXPENSES

Traveling expenses associated with conference airfares, accommodation and taxi is available. The reimbursement requires the CEO's authorisation prior to payment.

- All interstate travel proposed to be undertaken by a Councillor during the course of their duties requires prior approval by the Chief Executive Officer.
- Others accompanying Councillors (such as spouses, children, partners) to conferences or other events, travel and attend at their own expense.
- All international travel is subject to a Council resolution and a separate budget allocation.

5.3 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 CEO and Mayor's authorisation prior to attendance and payment.

5.4 STATIONARY

Council shall, upon request, provide Councillors with standard stationary held or obtained generally for the organisation's requirements.

The stationary may include, but not necessarily be limited to, paper, business cards, writing implements, writing pads, envelopes and the like.

Requests for stationary should be made to the Civic Support team.

5.5 MEMBERSHIPS

Councillors will be reimbursed for payment of memberships. Memberships must relate to the duties of a Councillor.

This requires the CEO's authorisation prior to reimbursement.

5.6 APPAREL

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 CEO.

5.7 ATTENDANCE BY SPOUSE/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 CEO'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.

5.8 CHILD CARE EXPENSES

Council will reimburse the cost of child care expenses incurred by Councillors for their immediate family necessarily incurred under the following circumstances:

- To attend Council and Special 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; and
- 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 will be reimbursed for child care expenses is the current rate charged at our Occasional Child Care Centre. If the work is after normal business hours then the appropriate time and half or double time will be paid;
- Each child care expense claimed shall be substantiated by a receipt from the caregiver showing the dates and times care was provided, and the Councillor shall provide reasons why the care was needed on each occasion;
- Child care costs are not eligible for reimbursement if paid for a child cared by a person who normally or regularly lives with the Councillor;
- Claims are to be submitted on a monthly basis;
- All claims for reimbursement are to be supported by a completed claim form (Appendix 2) and forwarded to the Finance Department.

5.9 COMMUNICATION EXPENSES

Councillors shall be provided with communication equipment which may include:-

- Mobile Phone and/or
- Laptop computer and/or
- Tablet and/or

with Broadband connection to the internet 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
- Councillor will provide details of legitimacy of communication expenses that relate to council business expenses.

5.10 OTHER EXPENDITURE

Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where the Council resolves otherwise.

5.11 GENERAL PROVISIONS

The following general provisions apply to this policy wherever appropriate to determine the amount of out of pocket expenses that will be reimbursed to Councillors:

- That travel must be undertaken as quickly as possible and by the shortest route possible;
- That 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 business 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;
- There are no provisions in business unit budgets for Councillor attendance at conferences, including those associated with Council committees, or any other matters; Except International Travel/delegations and lobbying visits to Canberra;
- Budget allocated for each type of expense is provided as a total to the Councillors. Individual Councillors have an allocation, but it must ensure Council does not expend more than the total budget allocation;
- Councillors will be formally notified in writing at the start of each financial year approved budget for Councillor expense reimbursement.
- An amount will be allocated each year in the annual budget for reimbursement of Councillor expenses.;
- Accommodation required for attendance at seminars, conferences or attendance at functions will be included in expense entitlement for Councillors.

5.12 RECEIPTS

Councillors are to provide fully accredited receipts for any expenses incurred. The expenses will, unless authorised by the Chief Executive Officer, be paid in arrears.

5.13 REPORTING

A register shall be maintained by the Finance Department of all claims for ongoing budgetary purposes and statutory requirements.

A quarterly summary of councillor expenses will be posted on the internet for the community to view.

A monthly report will be provided to each councillor on all expenses incurred and claimed.

5.14 TIMEFRAME

All expense claims must be lodged with Finance within three (s) 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.

6 COMPLIANCE RESPONSIBILITIES

The Deputy Director Policy and Innovation will provide Councillors with a quarterly report of current expenses incurred.

The Director Business Services will report quarterly to Council on expenses incurred.

7 CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy does not impact on any human rights identified in the Charter of human Rights Act 2007.

8 REFERENCES AND RELATED POLICIES

	Include - Name, Reference and location of reference
Acts	Local Government Act 1989
Regulations	
Codes of Practice	Councillor Code of Conduct
Guidance notes	
Australian Standards	
Related Policies	Councillor Communication Equipment Policy Gift and Hospitality Policy Councillor Professional Development Policy

9 APPENDIX

APPENDIX 1

CLAIM FORM FOR COUNCILLORS

NAME: Cr.....

ADDRESS:
.....

DATE SUBMITTED:/...../.....

DATE	DETAILS OF EXPENSES	AMOUNT	RECEIPT ATTACHED (YES/NO)
	TOTAL \$		

I certify that the costs claimed for reimbursement have been incurred by me while performing my duties as a Councillor of the City of Ballarat.

I confirm that I have no Conflict of Interest to disclose in accordance with the Local Government Act 1989 (as amended)

Signature:

APPENDIX 2.

CLAIM FORM FOR CHILD CARE EXPENSES FOR COUNCILLORS

Name: Cr.....

Date Submitted:/...../.....

Itemised receipts to be attached.

Date of Care	Time of Care	Child Care Provider	Nature of Council Business	Amount Claimed

I certify that the costs claimed for reimbursement have been incurred by me while performing my duties as a Councillor of the City of Ballarat.
 I confirm that I have no conflict of Interest to disclose in accordance with the Local Government Act 1989 (as amended).

Signature:

APPENDIX 3.

COUNCILLOR TRAVEL REIMBURSEMENT FORM

Date of Travel	Vehicle Reg Number	Start Location	Start Time	Finish Time	Reason for Council Business	Starting ODO Reading	Ending ODO Reading	Kilometres Claimed

I certify that the travel claimed for reimbursement has been incurred by me while performing my duties as a Councillor of the City of Ballarat.
I confirm that I have no Conflict of Interest to disclose in accordance with the Local Government Act 1989 (as amended).

Name:

Signature:

