



Councillors and Delegated Committee Members Resources and Expenses Policy

Version No.	V 6.0, August 2020
Endorsement	Executive, 5 August 2020 Policy Review Panel, 24 August 2020
Authorisation	Council, 31 August 2020
Review date	August 2022
Responsible officer	Chief Executive Officer
Policy owner	Manager Legal and Governance

1. Purpose

To outline the procedures and policy in relation to the provision of resources and support to Mayor and Councillors, and reimbursement of necessary out of pocket expenses of Councillors and members of Delegated Committees of Council provided such expenses meet the three limb test set out in the Act.

2. Scope

This policy applies to the Mayor, Councillors and appointed members of Delegated Committees of Council.

3. Definitions

Word/Term	Definition
Act	means the <i>Local Government Act 2020</i> .
Carer	A carer is defined in section 4 of the <i>Carers Recognition Act 2012</i> and is set out further at 5.2
Delegated Committee	is defined in section 3 of the Act and includes a Joint Delegated Committee but does not include a Community Asset Committee.
Hospitality	Provision of tea/coffee, drinks and/or a light meal.
Sitting Fee	A fixed amount paid to a member of a Delegated Committee Member for attending a meeting of the Committee. If a sitting fee is determined, it must be determined by a resolution of the Council.
Three Limb Test	Refers to the three limb test set out in section 40 of the Act. This section provides that Councillors or members of Delegated Committees must be reimbursed for out of pocket expenses provided the three limb test in section 40 is met: <ol style="list-style-type: none"> 1. bona fide expenses; and 2. have been reasonably incurred in the performance of the role of Councillor; and 3. are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role.

4. Policy

4.1 Resources

Council will provide the following resources/support as a minimum tool kit.

4.1.1 Mayor

- Full private use of a fully maintained motor vehicle the cost of which is less than the amount which attracts the luxury vehicle tax, changed over on or after a three year period per vehicle (regardless of the Council or Mayoral term) provided however that if the motor vehicle is deemed by the Mayor, acting reasonably, to not be fit for purpose, it may be changed at any time.
- An office at each of Melton Civic Centre and Caroline Springs Library fitted with computer (whether by PC or docking station to dock individual laptop), phone, dictaphone, copier/printer/scanner, desk, office chair, 2 visitor chairs, tea and coffee facilities, bar fridge and filing cabinet
- Refreshments to be provided on direction of the Mayor and Deputy Mayor
- Council corporate purchase card for use in accordance with adopted guidelines and procedures
- An Executive Assistant and an Administrative Assistant to provide administrative and secretarial support to Mayor and Councillors
- Laptop or tablet computer with wireless internet service, or ability to connect to wireless internet, as required
- Printer at place of residence, if required
- Mobile Phone
- Business Cards, if required
- Letterhead for Mayoral correspondence

4.1.2 Councillors

- Administrative support through the Executive Assistant to the Mayor and Councillors, and Administrative Assistant
- Access to Council "Pool" vehicle for Council related business
- Shared office for Councillors fitted with at least one 'spare' computer (PC or laptop) and additional docking stations to dock individual laptops and printer/copier/scanner
- Laptop or tablet computer with wireless internet service, or ability to connect to wireless internet, as required
- Printer at place of residence, if required
- Mobile Phone
- Business cards, if required
- Personalised letterhead for Councillor correspondence
- Office chair and/or workstation, if required.

Note:

Mayor and Councillors must reimburse Council for personal call costs made on council provided mobile phone should the phone bill exceed the phone plan charges.

4.1.3 Councillor Uniform

- i) Each Councillor may be provided with the following, as required:
 - one jacket
 - one winter jacket
 - one pair of pants or skirt
 - 2 shirts
- ii) At the mid-point of each Council term, each Councillor is to be provided with replacement jacket and pants or skirt, as required.
- iii) A further budget allocation of \$1,000 per Council term per Councillor is made for the purchase of additional or replacement items of Councillor uniform.

4.1.4 Postage

Postage requirements shall be processed by the Records Department via the Executive Assistant. Postage is restricted to responding to correspondence from the community, and Council will not reimburse the cost incurred in “bulk” mail outs.

5. Expenses

Councillors and members of Delegated Committees must be reimbursed for out-of-pocket expenses provided those expenses meet the Three Limb Test.

5.1 Child care expenses

Child care expenses are deemed to meet limbs 1 and 2 and will therefore only require proof of the Third Limb, that is, their being reasonably required/necessary for a Councillor or member of a Delegated Committee to perform their role (s 41(2)(c)). This may include hourly fees, booking fees and may include cancellation fees, if an event/meeting/function/briefing etc is cancelled at short notice.

Council must reimburse child care expenses where sufficient evidence of the third limb is provided. Proof will include evidence of a meeting/event/function/briefing and, where relevant, evidence of its late cancellation such that fees could not be avoided.

5.2 Carer related expenses

Council will reimburse Carer or care relationship related expenses where a Councillor can show evidence of a care relationship and evidence that the Three Limb Test is met.

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).

A care relationship also includes a person caring for a child under a permanent care order, child care agreement or protection order, pursuant to the *Children, Youth and Families Act 2005*.

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.

Further, a person is not in a care relationship 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.

but can 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.

Evidence of a care relationship may include a letter confirming diagnosis and may include details of caring required, a statutory declaration as to the diagnosis and care required, a letter from the DHHS in relation to a child in care pursuant to the *Children, Youth and Families Act 2005*.

Carer expenses may include the travel expenses and accommodation of an accompanying person (to be cared for by the Councillor or member of Delegated Committee or to provide care to the Councillor or member of a Delegated Committee), the expenses of a professional carer to perform the caring responsibilities usually undertaken by the Councillor or member of a Delegated Committee or to provide care to that Councillor or Member of a Delegated Committee (eg sign language interpreter, attendant carer).

5.3 Travel Expenses

Councillors are entitled to be reimbursed for all travel expenses (including public transport costs) which meet the Three Limb Test, including but not limited to travel to:

- a. A formal Council meeting
- b. Meetings and Civic or ceremonial functions held by the Council that a Councillor is reasonably required to attend
- c. Meetings of external agencies to which the Councillor has been appointed on behalf of Council
- d. Diarised meeting with a constituent or local community group
- e. Diarised meetings with Mayor/other Councillors/Council Officers held at Council offices

Private vehicle travel claims will be reimbursed at the rate applying to Council staff in accordance with Council's Enterprise Agreement (EA) as varied from time to time.

5.4 Conferences and Seminars

Where Council has approved attendance by the Mayor or a Councillor at an event (as distinct from Councillor Development opportunities defined in 5.4(a), all reasonable expenses incurred in attending the event and which meet the three limb test will be met including:

- Travel costs including flights*
- Registration Fee
- Meals and refreshments not provided within registration fee

- Accommodation
- Reasonable Mini-bar expenses
- In-house movies of a G, PG or M rating

* Where flights are required, the best value fare, flying economy should be booked. Regard should be given to the cheapest available airline, the time of day (eg breakfast lunch or dinner where a meal would otherwise need to be purchased anyway) and any other relevant factor (eg the need to arrive at a particular time). Council has no preference for any airline, and flights should generally be booked well in advance to take advantage of discount fares. For flights of 5 hours or more, premium economy can be booked.

(a) Councillor Development

Where Councillors wish to voluntarily register, enrol, participate or attend in activities, education, training or the like designed to improve the knowledge, skills, function and/or capacity of the Councillor in the discharge of their responsibilities to Council and service to the community more broadly, the following applies:

- i) Enrolment or attendance in a Councillor Development activity is subject to application and approval of the CEO.
- ii) Application by a Councillor to the CEO must be in the form of the defined application form attached (Form 2) supported by appropriate evidence to validate the proposal.
- iii) The CEO may only approve any application if satisfied that there is a genuine benefit in the development of skills, knowledge, expertise et cetera applicable to the role, duties and/or function of a Councillor.
- iv) Upon determination of any application by a Councillor to the CEO, the application must be reported to all Councillors via email or Council briefing as soon as practicable, inclusive of the outcome.
- v) The CEO may refer any application to a Council Meeting for consideration and determination at their sole discretion.
- vi) Attendance at international/overseas development opportunities must come before a Council Meeting for consideration.
- vii) Development activity must be completed within the elected term of the Councillor, or where it extends beyond the elected term, the Councillor must give a written undertaking to the CEO that they will reimburse Council for any uncompleted component at the time of their ceasing to be a Councillor.
- viii) Expenses incurred in the participation or attendance of a Councillor Development activity will be recorded and reimbursed as per standard expense procedures and obligations.

5.5 Hospitality

Council will reimburse the Mayor and Councillors for reasonable costs incurred in extending hospitality to visiting dignitaries, Members of Parliament, and business leaders.

6. Members of Delegated Committees

Where members of Delegated Committees are paid a "sitting fee", no travel reimbursement will be made for attendance at such meetings for which the sitting fee is paid.

In all other instances, members of Delegated Committees are entitled to reimbursement of out of pocket expenses as if they were a Councillor with reference to the Three Limb Test.

7. Procedure for Reimbursement of Out of Pocket Expenses

To claim reimbursement a written request (pro-forma attached as Form 1) detailing the nature of the expense, the amount claimed, and stating that the expenses claimed meet the Three Limb Test. Requests for reimbursement must be lodged within a 3 month period from when the expense has been incurred and must be signed by the Councillor, and approved by the Chief Executive Officer as complying with this policy.

In the event that a Councillor ceases to hold the office of Councillor including outgoing Councillors after an election, any eligible outstanding expense reimbursement should be submitted for consideration within 3 months from the date of them ceasing to hold the office of Councillor and must be signed by the individual and approved by the Chief Executive Officer or his nominee as complying with this policy.

8. Responsibility/Accountability

8.1	Manager Legal and Governance
	<ul style="list-style-type: none">• Policy owner and is responsible for updating and amending this policy and related documents.• Responsible for providing professional advice and guidance to Councillors regarding this policy.• Responsible for providing details of all reimbursements under section 40(2) of the Act to the Audit and Risk Committee.
8.2	Councillors and Members of Delegated Committees
	<ul style="list-style-type: none">• Familiarise themselves with the policy and understand their obligations.

9. References and links to legislation and other documents

Name	Location
<i>Carers Recognition Act 2012</i>	http://www.legislation.vic.gov.au/
<i>Local Government Act 2020</i>	http://www.legislation.vic.gov.au/
Melton City Council Enterprise Agreement No. 9 2019	Council intranet

10. Attachments

Form 1 – Councillor Expense Reimbursement Requests:

- 1A Childcare and Carer Expense
- 1B Miscellaneous Expense
- 1C Car Parking Expense
- 1D Travel Expense

Form 2 – Councillor Development Application Form

**CHILDCARE AND CARER EXPENSE
REIMBURSEMENT REQUEST**

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test namely:

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

Date	Description of Council work undertaken and details of childcare/caring required	Amount

*Receipts, tax invoices and Statement of Supplier form (if applicable) to be attached

Approved as complying with Council Policy

Councillor Signature

CEO

MISCELLANEOUS EXPENSE
REIMBURSEMENT REQUEST

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test namely:

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

Date	Type of Expense and Details (provide as much detail as possible)	Amount

*Receipts and tax invoices to be attached

Approved as complying with Council Policy

Councillor Signature

CEO

**CAR PARKING EXPENSE
REIMBURSEMENT REQUEST**

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test namely:

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

Date	Details of meeting that was attended and topic of meeting (provide as much detail as possible)	Amount

*Receipts and tax invoices to be attached

Councillor Signature

Approved as complying with Council Policy

CEO

TRAVELLING EXPENSE
REIMBURSEMENT REQUEST

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test namely:

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

Date	Description of Council work undertaken / meeting attended and odometer readings	Amount

*Receipts and tax invoices to be attached

Councillor Signature

Approved as complying with Council Policy

CEO

Councillor Development Application Form

1. Your details

Name _____ Cr. _____

2. Development opportunity details

Event/Course name _____

Provider/Host etc. _____

Topic or theme _____

Date of training _____

Cost of training \$ _____

Additional estimated costs \$ _____

3. Links to professional development

How does the training link to your role and responsibilities as a Councillor? Attach any supporting evidence.

4. Travel details

Is interstate or overnight travel required?

No
details below

Yes → If yes, complete

Destination _____

Travel cost \$ _____

Accommodation cost \$ _____

Estimated meal cost \$ _____

Estimated total cost \$ _____

5. Approval

CEO _____ Date _____

Office Use Only

Received by _____

Date received _____

Please return completed form to the CEO:

Mail:
PO Box 21,
Melton VIC 3337

Email:
kelvint@melton.vic.gov.au
(max. file size: 10MB)

In person:
232 High Street
Melton VIC 3337

