



# Council Support and Expenses Policy

Version 3

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## 1. Background

The *Local Government Act 2020* (the Act) includes a requirement for 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. This Policy meets that requirement and supports Councillors and members of Delegated Committees to perform their roles, as defined under the Act.

## 2. Objectives

This Policy intends to:

### 2.1. provide guidance and establish clear expectations on the:

- reimbursement of expenses for both Councillors and members of Delegated Committees;
- processes for reimbursement and reporting requirements;
- resources and support that are necessary for Councillors, to enable the effective performance of their official Council duties and functions;

### 2.2. ensure that the reimbursement of expenses is in accordance with the Act and meets the Act's principles of:

- public transparency;
- achieving the best outcomes for the municipal community; and
- ensuring the ongoing financial viability of Council; and

### 2.3. provide a framework for Councillors and members of Delegated Committees to be supported to perform their duties without disadvantage.

## 3. Scope

This Policy applies to all Councillors and members of Delegated Committees in relation to the reimbursement of out of pocket expenses incurred in performing their official duties and functions, and to all Councillors in relation to resources support.

## 4. Principles of Management

### Reimbursement of Expenses

Councillors and members of a Delegated Committee are entitled, under section 40 of the Act, to the reimbursement of expenses reasonably incurred in the performance of official duties and activities necessary as a part of their role, in achieving the objectives of Council.

These may include, but are not limited to:

- meetings of Council or its Committees;

- meetings, briefing sessions and civic or ceremonial functions convened by the Mayor or Council;
- meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as a Council representative;
- a meeting, function or other official role as a representative of the Mayor or Council;
- other meetings, inspections or events attended by a Councillor in an official capacity.

Pursuant to the Act, Councillors and members of a Delegated Committee will be reimbursed for out-of-pocket expenses that are:

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

## 4.1. Claiming Expenses

- 4.1.1. Expenses must be claimed within 60 days of being incurred, or within 60 days from the date of return from a relevant event (whichever date is later). Late claims will not be accepted except where the CEO is satisfied that exceptional circumstances apply.
- 4.1.2. An expense claim must be:
  - (a) made on the appropriate claim form which can be obtained from Council's Mayoral and Council Support team;
  - (b) accompanied by original proof of expenditure such as receipts or tax invoices (credit card receipts will not be accepted); and
  - (c) signed by the Councillor or Delegated Committee member, to declare the nature of the Council business and to verify that the claim is accurate and complies with the relevant legislative provisions and Council policy.
- 4.1.3. An expense claim which complies with clause 4.1.2 may be submitted to the CEO, or as determined by Council, for processing.
- 4.1.4. An expense claim that does not comply with clause 4.1.2, will be returned to the Councillor or Delegated Committee member, with an explanation of what is required for compliance.
- 4.1.5. Reimbursements will be paid by electronic funds transfer within 30 days of a correctly completed claim form being received.

- 4.1.6. Any advance payment made for an expense associated with a Councillor or Delegated Committee member's duties or functions must be reconciled within one month of receiving such payment and receipts supplied as verification.

## 4.2. Reporting

- 4.2.1. Information in relation to Councillor and Delegated Committee member expenses consisting of name and annual totals for allowance (Councillors only), travel, professional development, expenses to support role and overall total of those categories are included in Council's Annual Report.
- 4.2.2. Councillors may on request be provided with monthly reports on their expenses and reimbursements.

## 4.3. Audit

Expenses paid or reimbursed under this Policy will be subject to:

- 4.3.1. regular review by Council's internal auditors; and
- 4.3.2. an annual review by Council's Audit and Risk Committee, in accordance with section 40(2) of the Act.

## 4.4. Carer Expenses

- 4.4.1. The cost of care for a dependent child aged under 14 years, a person who is in a care relationship pursuant to section 4 of the *Carers Recognition Act 2012* or an elderly, disabled or sick immediate family member, may be claimed by a Councillor or Delegated Committee member where:
- (a) the expense is incurred to enable the Councillor or Delegated Committee member to perform their official duties and functions; and
  - (b) the child or person who requires care:
    - (i) resides in the Councillor's or Delegated Committee member's household and the Councillor or Delegated Committee member is the primary carer; or
    - (ii) is a person in respect of whom the Councillor or Delegated Committee member is entitled to a Commonwealth Carer Payment or Allowance; or
    - (iii) is a person for whom the Councillor's or Delegated Committee member's partner is the primary carer, when the partner is accompanying the Councillor or Delegated Committee member to a Council business function;

and

- (c) the care is provided by:
  - (i) a registered care provider, including a live in professional helper who is required to work extra hours at additional expense due to the duties or functions; or
  - (ii) a person who does not reside with the Councillor or Delegated Committee member, and who does not have a familial or similar relationship with the Councillor or Delegated Committee member (eg. partner, mother, father, sister, brother, aunt, uncle, cousin, niece, nephew, grandparent, sister-in law, brother-in-law); or
  - (iii) where in the opinion of the CEO there are exceptional circumstances, another person appropriate in those circumstances.

4.4.2. A claim for reimbursement of carer expenses must:

- (a) include the details of the meeting or Council business that was undertaken during the period of care; and
- (b) be substantiated by a tax invoice or receipt from the care provider which includes the dates and times when the care was provided, the care provider's signature and ABN (where relevant).

4.4.3. Where care is provided by a registered care provider, Council will reimburse the amount on the official tax invoice.

4.4.4. Care that is not provided by a registered care provider will be based on the current market rate and is subject to review.

## 4.5. Travel

4.5.1. Councillors and members of a Delegated Committee are entitled to reimbursement of travel expenses incurred in performing their official duties and functions.

4.5.2. When travel expenses are to be paid or reimbursed from Council funds, it is expected that, wherever practicable:

- (a) Travel must be undertaken using efficient routes and cost-effective means of transport that are reasonable for the travel in question. Determination of what is reasonable in the circumstances will take all relevant considerations into account.
- (b) If in doubt about the appropriate form of transport, a:
  - (i) Councillor should, if practicable, consult with the CEO; and
  - (j) Member of a Delegated Committee should, if practicable, consult with the appropriate Council officer nominated by the CEO.

- (c) Where more than one Councillor or Delegated Committee member attends the same event outside the municipal boundaries, a vehicle should be shared.
- 4.5.3. Any proportion of the travel expenses that relate to activities other than the Councillor's or Delegated Committee members official duties and functions, will be excluded from the calculation of expenses to be paid.
- 4.5.4. The standard form of travel outside the state of Victoria will be economy class air. If a Councillor or Delegated Committee member chooses instead to use their own vehicle for interstate travel, the maximum amount for which they are entitled to be reimbursed is equivalent to the combined cost of:
  - (a) The cheapest available return airfare between Melbourne Airport and the destination;
  - (b) Private vehicle return travel between the person's residence and Melbourne Airport as determined in accordance with subclause 4.5.5 below; and
  - (c) The cheapest available parking at Melbourne Airport for the duration of the travel period.

The exceptions to this clause are:

- (a) where the intended destination does not have a co-located airport and it is more practicable to travel by vehicle; or
- (b) the travel is between the municipality and Canberra;

in which case the Councillor or Delegated Committee member is entitled to reimbursement for use of the private vehicle for travel as determined in accordance with clause 4.5.5.

- 4.5.5. Private vehicle use:
  - (a) Travel expenses associated with the use of a private vehicle within Victoria for the performance of a Councillor's or Delegated Committee member's official duties and functions will be reimbursed in accordance with the rates specified (as applicable to employees) in Council's Enterprise Agreement that is in operation at the time the travel occurred, upon submission of a completed Councillor or Delegated Committee Member Expense Claim Form. This form includes a declaration to verify that the travel claimed was undertaken in the performance of the Councillor's or Delegated Committee member's official duties and functions and in compliance with this Policy.
  - (b) Where a Councillor or Delegated Committee member elects to use their own private vehicle to carry out official Council business,

a written record of mileage must be made. A mileage form can be obtained from Council's Mayoral and Council Support team for this purpose. The record of mileage must accompany the claim form submitted for reimbursement.

- 4.5.6. Travel expenses will not be reimbursed in instances where the Councillor or Delegated Committee member is entitled to a payment from another organisation for their attendance.
- 4.5.7. Where there is no other reasonable transport option available, a Councillor may have access to a carpool vehicle to undertake Council business, subject to availability and on the same conditions as pool vehicles are available for use to staff under Council's current Motor Vehicle Operational Policy. Overnight or weekend usage does not require additional permission but must be notified to the CEO and only Councillors or Council employees may drive the vehicle in such circumstances.
- 4.5.8. Councillors and Delegated Committee members can stay in reasonable accommodation appropriate to the area travelled to, the nature of the visit and the reasonable requirements of the Councillor or Delegated Committee member. As a guide, four star accommodation is generally considered reasonable accommodation.
- 4.5.9. Standard rooms will be used for accommodation but a room upgrade may be accepted provided the additional cost is borne personally by the Councillor or Delegated Committee member, or if there is no cost, the matter is disclosed as a gift in accordance with the current *Gifts Benefits and Hospitality Policy*.
- 4.5.10. If a Councillor leader of a Council delegation comprising more than one Councillor or Council employee, that Councillor will be entitled to a suite in the accommodation (if available) rather than a standard room.

## 4.6. Meals and Refreshments

- 4.6.1. Council will provide suitable refreshments during planned meetings regarding Council business for Councillors and members of a Delegated Committee, served on the premises.
- 4.6.2. Council will provide Councillors with suitable meals and refreshments where Council meetings and briefings or other scheduled Council business extends through normal meal times or over an extended period.
- 4.6.3. Unless the CEO or the Mayor determine that the occasion is an authorised function of Council at which alcohol will be served, no alcohol will be provided with meals and refreshments to Councillors.

- 4.6.4. If alcohol is served as part of an authorised Council function Councillors, must observe the Alcohol, Drugs and Smoking in the Workplace Operational Framework.
- 4.6.5. Where a Councillor or member of a Delegated Committee is undertaking Council business that requires them to be away from home during normal meal times, or over an extended period, they are entitled to be reimbursed for the actual cost incurred for suitable refreshments and meals, within reasonable limits and on provision of a tax invoice or receipt. Any meals that exceed this amount will be borne by the Councillor or Delegated Committee member. Reimbursement will not be made in circumstances where a meal was provided.
- 4.6.6. Where a Councillor has been formally invited to attend an event and there is an entry fee associated with that event, a tax invoice will need to be provided and paid by Council, which will be reflected in the Councillor's expense.

### 4.7. Insurance

- 4.7.1. In accordance with section 43 of the Act, Councillors and members of Delegated Committees are indemnified against all actions or claims, as long as the acts giving rise to the action or claim were done in good faith and related to the Councillor's or Delegated Committee member's official duties and functions;
- 4.7.2. The CEO will ensure that policies of insurance are maintained to provide the relevant protections to Councillors and members of Delegated Committees while performing their duties and functions as a Councillor or Delegated Committee member.

### 4.8. Exclusions

The following expenses cannot be funded or reimbursed by Council:

- 4.8.1. any expense arising from a breach of road, traffic, parking, or other regulations or laws;
- 4.8.2. stationery or equipment additional to that provided for in this Policy;
- 4.8.3. damage to or loss of personal possessions;
- 4.8.4. expenses for a Councillor's or Delegated Committee's partner which are not expressly provided for within this Policy;
- 4.8.5. donations, tips or gratuities, gifts, the purchase of raffle tickets, unless endorsed by Council resolution;
- 4.8.6. tickets or entry fees to events, that are in addition to that provided for in this Policy;
- 4.8.7. hotel mini bar, room movies, room service and similar;

- 4.8.8. expenses incurred by third parties;
- 4.8.9. expenses claimed by a Councillor or Delegated Committee member as a tax deduction;
- 4.8.10. expenses which are fully or partly recoverable from a third party; and
- 4.8.11. expenses associated with the election campaign of any Councillor.

## 4.9. Repayment

Any reimbursement required to be paid back to Council for non-Council related expenditure incorrectly incurred or claimed under this Policy must be made within 60 days of the cost being incurred or account being received by the Councillor or Delegated Committee member.

## 4.10. Expenses not included in this Policy

Any expense not included in this Policy will require approval by the CEO. A Councillor or Delegated Committee member whose expense claim has been refused by the CEO may refer the expense claim to Council for approval.

## 4.11. Appeals

- 4.11.1. A Councillor or member of a Delegated Committee is entitled to make a complaint or appeal in writing to the CEO against any decision regarding a reimbursement.
- 4.11.2. In the event of a complaint or appeal against a decision regarding a reimbursement under this Policy remaining unresolved, the Councillor or Delegated Committee member may request the matter be reported to Council for determination. Council's decision on the matter will be final.

## Councillor Resources and Support

### 4.12. Supply of Communications Equipment and Stationery for Councillors

- 4.12.1. Each Councillor is entitled to be provided with such communications equipment and stationery as is reasonably required to facilitate the effective performance of their official duties and functions.
- 4.12.2. The particulars of the Council supplied communications equipment and stationery will be determined by the CEO, or as determined by Council, and will be issued to the incoming Councillors at the commencement of each Council term, and may include any or all of:
  - (a) a mobile telephone or 'smart phone' with email access;
  - (b) a laptop/notebook computer and/or a tablet (e.g. iPad);
  - (c) data allowance or mobile wi-fi device;

- (d) computer peripherals such as docking station, keyboard, mouse and stylus;
  - (e) multi-function device(s) (combined printer, scanner and fax machine);
  - (f) any other communications equipment or other resources reasonably necessary due to the location of the Councillor's residence;
  - (g) stationery including paper, writing implements, envelopes, diaries and business cards. Any Council letterhead supplied may only be used for official Council business;
  - (h) a name badge; and
  - (i) a Councillor email account (managed through Council's administration).
- 4.12.3. Council will meet the reasonable costs associated with the purchase, installation, service connection, maintenance, rental and usage of Council supplied communications equipment.
- 4.12.4. A request for replacement of Council supplied communications equipment that has been lost or irreparably damaged must be accompanied by documentation to substantiate the loss or damage. Equipment will generally be replaced on a like-for like basis, rather than on a new-for-old basis.
- 4.12.5. Council supplied communications equipment is intended to be used for Council business purposes. However, minimal personal use is acceptable, provided that the use is legal and appropriate, does not interfere with Council business and does not involve additional expense. The direct costs of any private use of these facilities must be reimbursed to Council.
- 4.12.6. Any use of Council supplied communications equipment may be monitored or recorded, read, copied and disclosed in accordance with applicable laws, regulations and policies.
- 4.12.7. Councillors are responsible for:
- (a) the safety and security of the equipment provided to them and ensuring that there is no unauthorised access to any personal or confidential information that may be stored on that equipment.
  - (b) adhering to the Council policies and procedures for security, maintenance and use of equipment, which may be amended or changed from time to time.

- (c) ensuring that full and accurate records of Council business activities undertaken by them are created, managed and disposed of in a way that is consistent with organisational practice so that Council can meet its legislative obligations. However Councillors will be provided with organisational support to assist with compliance.

4.12.8. The Information and Technology team will:

- (a) provide familiarisation training for Councillors in relation to the communication equipment provided to them and in the management of information stored on that equipment, either as part of induction for new Councillors or on a case by case basis (ad hoc requests) as required; and
- (b) undertake all software updates on any laptops, tablets and mobile devices when required. Councillors will be required to bring the equipment into Headquarters for scheduled maintenance and password updates.

4.12.9. The use of Council supplied equipment to maintain or support a personal private business or for electioneering purposes is strictly prohibited.

4.12.10. Return of Council supplied equipment:

- (a) In the event of the resignation, retirement, suspension or disqualification of a Councillor or where a Councillor is not re-elected at a general Council election, the Councillor must return to the CEO all Council supplied communications equipment and any items supplied by Council which bear the Council's logo. Following the end of a suspension, the equipment will be returned to the Councillor.
- (b) Councillors are not required to return Council supplied communications equipment or other Council supplied resources during a general Council election period. However all use of such resources must comply with Council's Election Period Policy.

## 4.13. Councillor Access to Council Buildings

4.13.1. Each Councillor will receive a swipe card allowing access to the Latrobe City Council Corporate Headquarters, Traralgon Service Centre, Moe Service Centre and Churchill Hub during the following:

- (a) Monday – Friday: 7.00 a.m. – 11.00 p.m.
- (b) Saturday- Sunday: 8.00 a.m. – 8.00 p.m.

- 4.13.2. The Mayor and CEO may grant a Councillor additional hours of access or access to other Council buildings for undertaking their official duties and functions as a Councillor.
- 4.13.3. If a Councillor needs access to Corporate Headquarters and Council's service centres outside of normal business hours, the Councillor must advise Council's after hours emergency contact number on arrival and departure. The after hours number can be reached by dialling Council's general phone line on 1300 367 700, which when contacted outside of business hours contains an option for transfer to the after hours service.
- 4.13.4. If the Councillor's swipe card is lost or stolen the Councillor must report the loss or theft to the Mayoral and Council Support team to put in place appropriate security measures as soon as possible.
- 4.13.5. Councillors are provided with an office/meeting room (known as the Councillor Lounge) that may be used at any time. The Councillor Lounge includes a computer connected to Latrobe City Council's computer system and a printer. Wi-fi is also available in the Councillor Lounge. Councillors meeting with external parties are to advise Mayoral and Council Support to ensure that the meeting room is not being used by other Councillors.
- 4.13.6. Other Council shared meeting spaces are available at Corporate Headquarters and at the Traralgon Service Centre, Moe Service Centre and Churchill Hub, which may be utilised on an as needs and availability basis, by booking through the Mayoral and Council support team.
- 4.13.7. 3 parking spaces at Latrobe City Council Headquarters are reserved at all times for use by Councillors with a further 3 spaces reserved on Monday afternoons for Councillor Briefings and Councillor Meetings. Councillors are also entitled to use the other adjacent Council reserved parking spaces.

### 4.14. Purchasing Card

Subject to the approval of the Mayor and the Chief Executive Officer, a Councillor may be provided with a purchasing card with a transactional monthly limit of no more than \$500 for use while undertaking their official duties and functions as a Councillor.

- 4.14.1. use of a purchasing card will be in accordance with the terms of the Purchasing Card Agreement, as well as Council's Purchasing Card and Procurement Policies;
- 4.14.2. Where a purchasing card is provided, monthly reconciliation must be completed by the holder using the ProMaster system with the

appropriate tax invoices/receipts and quotes/exemption forms attached and sent to the Chief Executive Officer for approval.

### 4.15. Administrative Support

- 4.15.1. Administrative support will be made available for Councillors to assist them with calendar management, responding to correspondence and responding to enquiries and requests for service as part of their official duties and functions as a Councillor.
- 4.15.2. Council business papers, other Council information and personal mail will be provided to Councillors in the manner required by each Councillor, whether by courier to the Councillors' place of residence or other nominated location, placed in Councillors' communication boxes for pick up or forwarded by electronic mail weekly or as required.
- 4.15.3. Where a Councillor requires that Council business papers, other Council information and personal mail be delivered to the Councillors' residence or other address, the Councillor must advise Mayoral and Council Support of the person authorised by the Councillor to take delivery if the Councillor is not present to accept delivery.

### 4.16. Additional Entitlements for the Mayor

- 4.16.1. The Mayor will be provided access to the Latrobe City Council Corporate Headquarters, Traralgon Service Centre, Moe Service Centre and Churchill Hub 24 hours a day, 7 days a week. If the Mayor intends to access any of these facilities outside of normal business hours, the Mayor must advise Council's after hours emergency contact number on arrival and departure. Connection to the after hours service is set out at clause 4.13.3 above.
- 4.16.2. A fully equipped office and administrative support will be provided to assist the Mayor to effectively undertake mayoral duties. The level of support is determined by the CEO in consultation with the Mayor.
- 4.16.3. A mayoral vehicle will be provided that is the equivalent to and on the same terms as the vehicle provided to the CEO including a fuel card and cleaning card. Use is subject to the *Motor Vehicle (Operational) Policy*.
- 4.16.4. The vehicle is associated with the office of the Mayor, rather than the incumbent Mayor. The mayoral vehicle is passed from one Mayor to the next. The commencement of a new Mayor does not necessitate the purchase of a new mayoral vehicle.
- 4.16.5. The Mayor may be provided with a purchasing card with a transaction and monthly limit set at no more than \$10,000 for use while discharging the functions of the office, subject to the requirements set out at clause 4.14.

## 4.17. Attendance at External Meetings, Conferences and Functions

- 4.17.1. A Councillor attending an external meeting, conference or function in their capacity as Council's appointed delegate, substitute delegate, designated committee member or any other authorised representative role, including an approved invitation to speak in their capacity as Councillor, is entitled to have all reasonable expenses for travel, accommodation, registration fees, meals and other necessary associated out of pocket expenses reimbursed or paid on their behalf subject to the requirements and limitations set out in this Policy.
- 4.17.2. Councillors' attendance at external meetings, conferences or functions:
- (a) within Victoria must be approved by the CEO or determined by Council;
  - (b) interstate must be approved by the CEO and the Mayor or determined by Council;
  - (c) overseas must be approved by Council resolution;
- prior to departure, in order for reimbursement of associated expenses to be claimable. External meetings held within the Gippsland area or metropolitan Melbourne municipalities are excluded from this clause and do not require prior CEO approval as part of reimbursement eligibility.
- 4.17.3. Matters relevant to the approval of a Councillor's attendance at a particular conference or function are:
- (a) course topic, content, location, date and duration;
  - (b) relevance of conference to Council business;
  - (c) analysis of the costs including the travel and accommodation for the Councillor; and
  - (d) benefits expected to result from attendance.

## 4.18. Community, Charity or Civic Functions and Events

- 4.18.1. Council will meet the cost of a Councillor attending community, charity or civic functions and events, if the cost does not exceed \$200. If the cost of a function or event exceeds \$200, the Councillor must obtain the prior consent of the Mayor and Chief Executive Officer or in the case of the Mayor, the prior consent of the Chief Executive Officer.
- 4.18.2. Where a Councillor and his/her partner have been invited to attend a community, charity or civic function and event at a cost to attend, in the circumstances where the Councillor will attend, Council will meet the cost of the partner's attendance with prior notification to the Mayor and Chief Executive Officer.

- 4.18.3. When Council is hosting a function where Councillors are invited to attend, the Mayor may extend an invitation to partners of Councillors.
- 4.18.4. In circumstances where the Mayor has been invited to a function or event and is unable to attend, the Mayor may delegate to another Councillor.

## 4.19. Individual Professional and Personal Development

- 4.19.1. It is desirable that Councillors undertake appropriate training and professional development throughout their terms in office. Whilst some training is provided by Council in-house or arranged through professional bodies, it is important that Councillors are able to attend other relevant forums, to further develop their understanding of the many issues faced within local government, and to network with other Councillors.
- 4.19.2. Accordingly, Councillors are entitled to reimbursement of expenses incurred through attending recognised and industry approved conferences, seminars, events, study, training courses and professional and personal development opportunities that are relevant to their role, and which enhances their potential in serving the community as a member of the Council.
- 4.19.3. Each Councillor is allocated \$2,500 exclusive of GST (inclusive of course materials such as reference books, travel, meals and accommodation if required) each calendar year for individual professional and personal development.
- 4.19.4. Unused funds allocated for a Councillor's individual professional and personal development may only be rolled over from one year to the next during the Councillor's term of office. Funds rolled over will be up to the cumulative total due in the year but not exceeding the amount of \$10,000 in the fourth year. That is, \$2,500 for year one, up to \$5,000 in year two, up to \$7,500 in year 3 and \$10,000 in year 4. Subject to the limitations and requirements of this Policy including clause 4.19.12, Councillors may use allocations in advance, up to and including the entire term of office entitlement in the first year.
- 4.19.5. The allocation to a Councillor is not transferable to another Councillor.
- 4.19.6. The allocation to a Councillor ends when the Councillor's term of office ends and any balance does not roll over if the Councillor is re-elected.
- 4.19.7. Subject to the limitations and requirements in this Policy, the allocation to a Councillor may be used for:
  - (d) attendance at recognised and industry approved conferences, seminars or events;

- (e) formal study;
  - (f) individual training, coaching or mentoring; or
  - (g) other training and development approved by the CEO;
- provided that in the opinion of the CEO:
- (h) it relates to one of the following:
    - (i) local government activity;
    - (ii) leadership;
    - (iii) governance in the context of the role of Councillor; or
    - (iv) enhancing the personal or professional skills of the individual to undertake the role;
  - (i) it is formally recognised and accredited; and
  - (j) the provider is a Registered Training Organisation or holds appropriate professional accreditation and/or memberships.

4.19.8. An approved professional or personal development activity may be:

- (a) paid for by the Councillor personally and reimbursed following the process at clause 4.1, on production of appropriate evidence of attendance at and successful completion of the activity; or
- (b) paid in advance by Council on the approval of the CEO, with production of a valid tax invoice.

4.19.9. Where an advance payment has been made by Council pursuant to clause 4.19.8, the Councillor must provide appropriate evidence of successful completion of the activity within 30 days of its conclusion. In the event the Councillor fails to attend, successfully complete or pass any required assessment of an activity by the end of the Councillor's term of office, the payment must be refunded to Council unless there are mitigating circumstances which are accepted and approved by the CEO.

4.19.10. Where a course extends beyond the Councillor's term of office, Council will only pay the fees and associated costs relating to the current term of office.

4.19.11. Council will not pay any fees or associated costs of retaking any part of a development activity that a Councillor has failed to successfully complete.

4.19.12. If a Councillor wishes to spend more than one year's allocation on one personal development activity, they must first submit a development plan to the Mayor for approval. In determining whether to approve a plan under this subclause the Mayor will take into consideration the

merits of the program or activity in accordance with the overall parameters set by this Policy. This applies to allocations from both previous years or future years of the Councillor's term of office.

- 4.19.13. If during their term a Councillor does not complete a professional or personal development program or course in respect of which the Mayor has approved a development plan, the Councillor, if re-elected, may seek approval from the Mayor to continue the development program.
- 4.19.14. Regardless of the overall cost, Councillors must obtain approval by resolution of Council for any program or course that involves overseas travel.
- 4.19.15. Councillors are entitled to reimbursement of membership fees paid to any recognised organisation operating within Victoria, which provides access to information, training, seminars or networking directly relevant to the role of Mayor or Councillor. Reimbursement will be on a pro rata basis where a membership extends beyond the current term of the Councillor.
- 4.19.16. In addition to the individual professional and personal development allowance set out above:
  - (a) the Mayor will be entitled to attend either the Municipal Association of Victoria Mayoral Program or the Victorian Local Government Association Mayoral Weekend, while in the role as Mayor; and
  - (b) the Mayor and Deputy Mayor will be entitled to attend media training (organised through Council with an appropriate training provider) and Municipal Association Victoria Mastering Public Speaking and Presentation training, while in the role as Mayor and Deputy Mayor.

## 4.20. Legal Costs

- 4.20.1. A Councillor may seek payment of reasonable legal costs by Council where the matter to which the legal costs relate is directly in connection with acts or omissions of the Councillor acting in good faith, in the course of the Councillor's official functions and duties.
- 4.20.2. Approval of payment will be determined by the CEO. Situations in which the CEO may approve payment include, but are not limited to:
  - (a) Defending proceedings brought against a Councillor in relation to activities undertaken in good faith while carrying out official duties.
  - (b) Responding appropriately to a Councillor conduct investigation, or to any other investigation by a regulatory body such as the Victorian Office of Local Government, the Independent Broad-

based Anti-Corruption Commission or the Victorian Ombudsman, which relates to activities undertaken in good faith while carrying out official duties.

- (c) Effective management of a complaint or dispute under the Councillor Code of Conduct.
- (d) Responding appropriately to an investigation conducted by Victoria Police in relation to the Councillor's duties and responsibilities (excluding criminal investigations).
- (e) A circumstance where the CEO determines that external legal advice is required in relation to a Councillor's pecuniary interests or a potential conflict of interest.

#### 4.20.3. The CEO must not approve payment:

- (a) if the CEO considers the matter to be outside the functions and duties of the role of Councillor;
- (b) if the CEO considers the Councillor has not acted in good faith;
- (c) to the extent the legal costs are unreasonable;
- (d) where the legal firm retained is not on the Municipal Association of Victoria Panel, for any costs incurred prior to the CEO's approval;
- (e) for defamation proceedings brought by a Councillor or advice in respect of bringing such proceedings.

#### 4.20.4. In relation to legal costs paid in a matter where the Councillor is later found by a court, tribunal or other person or body with the legislative authority to make such a determination, to have committed:

- (a) Misconduct, serious misconduct or gross misconduct within the meaning of the Act or an offence under the Act; or
- (b) An offence or unlawful act under any other State, Territory or Commonwealth law or regulation;

the Councillor must repay those legal costs to Council.

### 4.21. Councillors with Disabilities or Illness and Councillors who are a Carer in a Care Relationship

Council will provide reasonable additional facilities and support to enable a Councillor:

- 4.21.1. with a disability (as defined in the *Disability Discrimination Act 1992*) or illness; or
- 4.21.2. who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012;

to perform their official functions and duties as a Councillor.

## 5. Accountability and Responsibility

Clarification or advice about the interpretation of this Policy may be sought in the first instance from the Chief Executive Officer or the Manager Governance.

Accountability and responsibility for this policy is outlined below.

### 5.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

### 5.2. Councillors and members of Delegated Committees:

- Responsibility for ensuring they are each familiar with the requirements of this Policy
- Accountable for managing own compliance with this Policy

### 5.3. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

### 5.4. General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

### 5.5. Manager

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

## 5.6. Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.

## 6. Definitions

Act	Means the <i>Local Government Act 2020</i> (Vic)
Care relationship	means a person who provides another person or receives from another person, care because one of the persons in the relationship has a disability, is older, has a mental illness or has an ongoing medical condition (including a terminal or chronic illness or dementia). It also means a relationship where an individual has custody and guardianship of a child under a permanent care order, a relationship where a child is placed with an individual who provides care to that child under a child care agreement, a relationship where a child is placed with an individual who provides care to that child under a protection order under the various parts of the Children Youth and Families Act 2005. It does not apply to another person merely because they are the spouse, or the domestic partner within the meaning of the Children Youth and Families Act 2005, is the parent, child or relative of the other person, lives with the other person, is under a contract of service or a contract for the provision of services, under an employment contract or in the course of doing voluntary work for a community organisation or as part of the requirements of an education course or training.
CEO	means the Chief Executive Officer of Council
Civic Function	means a function or event convened by Council which involves a guest or guests of honour and invited guests.
Council	means Latrobe City Council
Councillor	means a person who holds the office of a member of a member of Latrobe City Council.
Council business	means activities and matters relevant to Council's objectives, roles and functions, as described in the Act.

<p>Official duties and functions</p>	<p><b>Councillors</b></p> <p>means activities consistent with the role of a Councillor as defined in s.28 of the Local Government Act 2020. It includes Council business, civic and statutory duties and activities conducted on behalf of Council to further the achievement of Council's objectives. Examples include preparing for, attending and participating in Council meetings, including joint Council meetings, Councillor briefings, committee meetings, workshops and inspections; attending civic functions, representing Council at ceremonies and community events where formally invited as Councillor to undertake an official duty; attending public meetings, annual meetings or presentation dinners where invited as a Councillor; and attending meetings of community groups where invited to speak about Council programs or initiatives, private meetings with residents, ratepayers, community groups, developers etc., where arranged through official Council channels and details of discussions are documented in official records or diaries.</p> <p><b>Members of a Delegated Committee</b></p> <p>means Council business or duties and activities conducted on behalf of Council or the Committee to further the achievement of Council's or the Committee's objectives. Examples include preparing for, attending and participating in Delegated Committee meetings, including joint Delegated Committee meetings, workshops and inspections; attending civic functions, representing the Delegated Committee at community events to undertake an official duty, attending public meetings, annual meetings, presentation dinners where invited as a member of the Delegated Committee, private meetings with organisations that relate to the activities of the Committee, which are documented in official records or diaries.</p>
<p>Reasonable or reasonably incurred</p>	<p>in relation to expenses and costs for Councillors and Delegated Committee members, means expenses and costs incurred in performing official duties and functions which, in amount and nature, are consistent with public expectations. When determining whether an expense or cost is reasonable, relevant factors will include whether the expense or cost is necessary, cost-conscious and capable of withstanding public scrutiny.</p>

Reasonably required	in relation to expenses, costs, resources and equipment for Councillors, means requirements for performing and conducting official duties and functions or Council business which, in amount and nature, are consistent with public expectations. When determining whether an expense, cost, resource or equipment is reasonably required, relevant factors will include whether it is necessary, cost-conscious and capable of withstanding public scrutiny.
Travel expenses	means costs for travelling by car, taxi, bus, train, tram or air, in relation to Council business or business related to the Delegated Committee.

## 7. Related Documents

Councillor Code of Conduct

Election Period Policy

Gifts, Benefits and Hospitality Policy

Governance Rules

Latrobe City Council Enterprise Agreement

Motor Vehicle Operational Policy

Procurement Policy

Public Transparency Policy

## 8. Reference Resources

Carer's Recognition Act 2012

Charter of Human Rights and Responsibilities Act 2006

Children Youth and Families Act 2005

Equal Opportunity Act 2010

Freedom of Information Act 1989

Gender Equity Act 2020

Local Government Act 2020

## 9. Appendices

Not applicable.