

6.2.6 Report in Response to Notice of Motion 1055

File Reference: Nil
Responsible GM: Carol Jeffs
Author: Andrew Pomeroy

Recommendation(s)

That Council:

1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting. (Attachment 1)
2. Note Cr Collin Ross' response to the Justitia Report (Attachment 2)
3. Provide Cr Collin Ross with 14 days within which to provide a further response.
4. Authorise the CEO to liaise with Justitia Lawyers, Cr Ross and Council's legal advisors to ensure that due process is followed in progressing the audit and its conclusions, and that the CEO report on that progress at the November General Council Meeting.

Attachments

1. Audit of Councillor Expenses - Justitia Report [6.2.6.1 - 26 pages]
2. Comment of Cr. Collin Ross on Review Report [6.2.6.2 - 2 pages]

Executive Summary

Council resolved as follows from the Notice of Motion 1055 presented by Cr Leticia Wilmot at the Council meeting on 17 August 2020:

Following the recent publication of the Councillor expenses report and regarding Cr Ross' positions on both the VLGA Board and the Metropolitan Waste and Resource Recovery Group (MWRRG) Board I request:

1. *That the CEO Ms Jeffs, be given the authorisation to contact the CEO of both organisations to gain answers to the following questions and others that she deems necessary.*
 - a. *How much are Board members paid?*
 - b. *What is the purpose of these payments?*
 - c. *Is Cr Ross involved with any sub-committees for the organisation?*
 - d. *How long has Cr Ross been a member of the Board and a member of any other committee's associated with the organisation?*
 - e. *How many meetings has Cr Ross attended and been paid for as a Board or committee member?*
 - f. *What dates were these meetings held?*
2. *The dates and information gathered is to be cross referenced to the Travel Expense and Out-of-pocket Expense claims Cr Ross has been reimbursed for by council.*
3. *A full audit of the kilometres listed for each trip claimed by Cr Ross is conducted using Google Maps as a reference.*

4. *A report with all the findings is presented to the September General Meeting. This report should include a recommendation as to any further actions the council may be required to take.*

Justitia Lawyers were engaged to conduct a review of expense claims made by Councillor Collin Ross in accordance with the Council Resolution. The full report of Justitia Lawyers is provided at attachment 1.

The report outlines the review process undertaken, including opportunities for Cr Ross to participate in the process, provide information and answer questions. As outlined in the report he did not have an opportunity to review a draft of the report before it was finalised. Cr Ross was provided time between the finalisation of the report and the publishing of the report as part of the agenda and has provided his response at attachment 2.

The process in getting this report to council is set out below:

- Justitia Lawyers were appointed on Monday 24th August.
- After a review of the Resolution, clarifying scope and initial review of internal documents and policies, information was sought from the VLGA and MWRRG.
- On Wednesday 26th August Cr Ross was sent an email clarifying the next steps in relation to the Resolution and inviting him to a discussion with Justitia Lawyers to answer some clarifying questions. Ultimately the clarifying questions were sent to Cr Ross on Monday 31st August and a response was sought.
- Further information was provided to Cr Ross on Friday 4th September, including clarifying that the scope of Justitia Lawyers' review (Audit) was as set out in the Resolution.
- On Tuesday 8th September the documentation that was then received from the VLGA and MWRRG to cross reference the claims was also forwarded to Cr Ross.
- Cr Ross provided his response to the clarifying questions on Thursday 10th September.
- Council received the Justitia Report from Justitia Lawyers at 5:04pm on Monday 14th September.
- Cr Ross was provided with the Justitia Report at 9:59am on Tuesday 15th September, and invited to provide a response with 48 hours.

The Justitia Report provides both findings and recommendations that can be found within the Executive Summary of the report.

While the Justitia Report is marked Private and Confidential, Council has resolved that any Report relating to the review/audit (Justitia Report) be presented at the September General Council Meeting. Accordingly, Council waives any legal professional or client legal privilege that may apply in relation to the Justitia Report.

Policy Implications

The relevant policy is the Councillor Expenses Policy. This Policy has been recently updated in line with the new Local Government Act 2020.

Relevance to Council Plan

5.2.2 Our Governance - Open Governance

Govern and make decisions in the best interests of the Cardinia Shire community

Consultation/communication

Justitia Lawyers and Council Officers have communicated and consulted with Cr Ross and his legal representatives during the preparation of this report.

Financial and Resource Implications

The cost involved in obtaining the independent report was covered within Council's adopted budget.

Conclusion

The review/audit was conducted in accordance with the Resolution and it is recommended that Council note this. Cr Ross responded in the time frames but it is evident more time is needed.

PRIVILEGED & CONFIDENTIAL REPORT

for Cardinia Shire Council in the matter of Councillor Expenses

14 September 2020

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Executive Summary

The Reviewer conducted a review of expense claims made by Councillor Collin Ross (**Cr Ross**), a Councillor at Cardinia Shire Council (**Council**). The review involved a desktop review of Travel Expense claim forms, and Out-of-pocket Expense claim forms (together, the **Claim Forms**) lodged by Cr Ross with Council for attendance at meetings relating to the Victorian Local Governance Association (**VLGA**) and Metropolitan Waste and Resource Recovery Group (**MWRRG**).

Based on the information available to the Reviewer, and noting that Cr Ross has not been provided with an opportunity to respond to these findings prior to the completion of this Report, in summary the key findings of the review are:

1. Cr Ross has received a sitting fee of \$426 per meeting from VLGA, in addition to being reimbursed for Claims by Council for VLGA meetings on the following dates: 8 August 2019, 29 August 2019, 28 November 2019 and 2 December 2019.
2. Cr Ross has received a sitting fee of \$426 for a VLGA Board meeting on 22 August 2019 and has been reimbursed by Council for a Claim for travel expenses (i.e. mileage only) to a "VLGA Event/MWRRG Event" on the same date, where the reference to "VLGA event" is a reference to the VLGA Board meeting.
3. With respect to the 38 MWRRG Board and committee meetings that fell within the scope of this review, the Reviewer found that Cr Ross did not make any Claims to Council for his attendance at any of the 38 Board or committee meetings.
4. On one occasion, being 15 February 2018, Cr Ross:
 - was paid sitting fees of \$364 by MWRRG, and was reimbursed travel expenses (i.e. mileage) for a 136km return journey to the CBD by MWRRG, for his attendance at a paid AFRM Committee meeting; and
 - also claimed and was reimbursed travel expenses (i.e. mileage) for a 136km return journey to the CBD by Council for his attendance at an unpaid meeting, the MWRRG Forum, on the same date.

Finding 4 should be read in conjunction with Recommendation 3.

5. On two occasions, being 30 October 2019 and 27 November 2019, Cr Ross:
 - was paid sitting fees of \$388.11 by MWRRG, and was reimbursed travel expenses (i.e. mileage) for a 136km return journey to the CBD by MWRRG, for his attendance at paid Board meetings; and
 - also claimed and was reimbursed travel expenses (i.e. mileage) for a 136km return journey to the CBD by Council for his attendance at unpaid meetings, the MWRRG SPAG and TORG meetings, on the same dates.

Finding 5 should be read in conjunction with Recommendation 3.

6. Where Councillor Ross has travelled to VLGA meetings according to either his Example 1 route, or his Example 2 route, his claim for a return journey of 136km is for a shorter distance than the actual distance he says he has travelled.

The Reviewer's recommendations are:

1. In relation to finding 1 above, as the VLGA Board sitting fees are inclusive of expenses such as travel, the Reviewer recommends Council make further inquiries of Cr Ross and obtain legal advice as to whether there has been any breach of legislation, code of conduct or policy. As part of any process, Council should provide Cr Ross with an opportunity to respond to any concerns relating to Claims made in respect of these four meetings.

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2. In relation to finding 2 above, the Reviewer recommends that Council make further inquiries about the joint claim of 22 August 2019 and seek further information from Cr Ross in order to determine whether it is a claim of concern which may require further action.
3. In relation to findings 4 and 5 above, the Reviewer recommends that Council make further inquiries about the Claims of 15 February 2018, 30 October 2019 and 27 November 2019 and seek further information from Cr Ross to determine whether they are claims of concern which may require further action.
4. Council should consider its position with respect to reimbursement of travel expenses for a meeting (meeting 1), where a Councillor attends another meeting in the same or similar location on the same day (meeting 2), and is reimbursed by another organisation for that meeting (meeting 2). If Council considers a reimbursement from Council for a meeting (meeting 1) in these circumstances would be a breach of Council policy (or another source of Councillor obligations), then the Reviewer recommends that Council undertake a broader review of Cr Ross' Claims to Council, cross referenced against claims to MWRGG with respect to all meetings, to determine whether Cr Ross has claimed two 136km return journeys to the CBD on the same date, one with each organisation.
5. The Reviewer recommends that Council officers review the expense claim forms and consider whether any amendments to the forms may be advisable.
6. The Reviewer recommends that Council officers review the expense claim processes and consider whether any amendments to the process should be made, particularly in relation to forms that do not comply with requirements.

Instructions

Council engaged Justitia to investigate Cr Ross' expense claims in accordance with a motion of the Cardinia Shire Council adopted on 17 August 2020 (**Motion**). The Motion had been moved by Councillor Leticia Wilmot (**Cr Wilmot**) and seconded by Councillor Brett Owen.

While the relevant Council Officer requested an "investigation", the language of the motion was considered and it was identified that this process of information gathering, cross referencing data and conducting an audit was not an investigation in the true sense of the word, as allegations of wrong doing would not be put to Cr Ross as part of this process. What is set out in the motion is the stage before any allegations are put to a respondent; it is the stage of information gathering and reviewing data to determine if there is any evidence that could form the basis of allegations of wrongdoing. Accordingly, this process will be referred in this report as a review. The Motion provides as follows:

Following the recent publication of the Councillor expenses report and regarding Cr Ross' positions on both the VLGA Board and the Metropolitan Waste and Resource Recovery Group (MWRRG) Board I request:

1. *That the CEO Ms Jeffs, be given the authorisation to contact the CEO of both organisations to gain answers to the following questions and others that she deems necessary.*
 - a. *How much are Board members paid?*
 - b. *What is the purpose of these payments?*
 - c. *Is Cr Ross involved with any sub-committees for the organisation?*
 - d. *How long has Cr Ross been a member of the Board and a member of any other committee's associated with the organisation?*
 - e. *How many meetings has Cr Ross attended and been paid for as a Board or committee member?*
 - f. *What dates were these meetings held?*
2. *The dates and information gathered is to be cross referenced to the Travel Expense and Out-of-pocket Expense claims Cr Ross has been reimbursed for by council.*
3. *A full audit of the kilometres listed for each trip claimed by Cr Ross is conducted using Google Maps as a reference.*

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4. *A report with all the findings is presented to the September General Meeting. This report should include a recommendation as to any further actions the council may be required to take.*

The Travel Expense and Out-of-pocket Expense claims referred to in the motion encompass claims to Council for parking, tolls and travel expenses (**Claims**) made by Cr Ross for his attendance at meetings. The terms of the motion are limited to paid Board and committee meetings for VLGA and MWRRG (the **Relevant Meetings**). Accordingly, the Reviewer limited her review to Claims for attendance at the Relevant Meetings, and not Claims for attendance at other types of meetings or events, whether paid or unpaid. As such, the scope of the review was limited to Claims relating to VLGA since 1 July 2019, when Cr Ross became a VLGA Board member, and Claims relating to MWRRG since 1 May 2017, when Cr Ross became an MWRRG Board member.

The Reviewer notes that as part of this process no allegations were put to Cr Ross. Instead, the Reviewer was instructed to conduct a process to review the Claim Forms listed in Annexure A, against the dates of Relevant Meetings where Claims were made. This information was cross referenced against information provided by VLGA and MWRRG, to consider whether Cr Ross has claimed travel expenses, tolls and/or parking costs from Council while also receiving remuneration from VLGA and MWRRG that may cover travel expenses for the same meetings.

While considering the Claims, the Reviewer was not instructed to consider whether any Claims made by Cr Ross were in breach of Council policies.

Review Process

Magda Marciniak, Partner at Justitia, (**the Reviewer**) conducted the review.

The Reviewer was provided with a copy of the Motion, as well as documents provided to Council by Cr Wilmot.

The Reviewer was provided with Claim Forms for the document review dating back to 9 February 2015. These were provided by Mr Andrew Pomeroy, Manager Economic Development. As the scope of the review is limited to the timeframe from which Cr Ross commenced on the boards of VLGA and MWRRG, Claim Forms for expenses incurred prior to 1 May 2017 were not considered as part of this review.

Mr Pomeroy confirmed that all of the Claims made by Cr Ross had been reimbursed by Council. The Reviewer was also provided with a copy of the Cardinia Shire Council Councillor Expenses and Entitlements Policy which provides for the reimbursement of out-of-pocket expenses including travel expenses.

In accordance with the Motion, Carol Jeffs, CEO of Council, contacted Ms Kathryn Arndt, CEO of VLGA and Ms Jillian Riseley, CEO of MWRRG, to request information about Board and committee meetings, including information such as the dates and locations of those meetings, Cr Ross' attendance record for those meetings, payments and policies.

The Reviewer requested information from Cr Ross about the route he takes to VLGA and MWRRG meetings, and other related information. This information was required in order to ensure the audit could be undertaken accurately. Further details about the questions asked by the Reviewer, and Cr Ross' responses to those questions, are set out in the Audit of Kilometres Claimed section of this report.

After a period of time, VLGA and MWRRG provided their responses to Ms Jeffs' requests for information. The Reviewer clarified their responses and requested further relevant information where necessary.

The Reviewer considered the information provided by VLGA and MWRRG with respect to paid Board and committee meetings and, in accordance with item 2 of the Motion, cross referenced this against the Claims made by Cr Ross.

Where it was identified that Cr Ross had made a Claim with Council for a paid Board or committee meeting then, in accordance with item 3 of the Motion, an audit of the kilometres listed for each of those claimed

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trips was conducting using Google Maps as a reference. While the Claim Forms do not require the Councillor completing the form to provide a complete address of the destination of their claimed trip (requesting a "destination or locality" only) this audit was possible because VLGA and MWRRG provided the addresses of the locations of the paid Board and committee meetings attended by Cr Ross.

Due to the wording of the Motion, and the time limitations placed on the review, the scope of the audit was limited to Claims made by Cr Ross with respect to paid Board and committee meetings.

Furthermore, it is important to note that the timeframes in which this review and report were required did not allow sufficient time for the Reviewer to put any preliminary findings to Cr Ross for a response. Therefore, while the Reviewer refers to "findings" in this report as required by the Motion, the findings of this review are simply observations of the Reviewer after undertaking the review. As the findings have not been put to Cr Ross before the completion of this report, the Reviewer recommends that prior to Council taking any actions as a result of this review, Cr Ross is given an opportunity to respond to the findings.

Documentary review

The documents provided to the Reviewer and considered as part of the documentary review are listed in Annexure A.

Review of attendance at VLGA meetings

Ms Arndt provided the following information by email:

1. *Cr Collin Ross was elected to the VLGA Board in June 2019 – his term commenced on 1 July 2019.*
2. *Attached is the VLGA Board remuneration/sitting fee policy. Sitting fees are only paid for attendance at meetings (in person or virtual) and are inclusive of related expenses – ie. travel. Cr Ross is entitled to receive \$426 per meeting.*
3. *Cr Ross is entitled to receive sitting fees as a VLGA Board member and a member of the Board's Governance & Risk Committee (GRC). Board and GRC members are required to sign an attendance sheet at each meeting attendance which is counter signed by the VLGA CEO. In the event of virtual meetings, the CEO registers the attendance of all Board members present.*
4. *Board and related meetings for which Cr Ross received an allowance (sitting fee) include:*
 - *Board planning workshops - 8 August 2019, 13 December 2019*
 - *Board meetings –22 August 2019, 17 October 2019, 12 December 2019, 13 February 2020, 16 April 2020, 16 July 2020*
 - *Governance & Risk (GRC) committee meetings - 29 August 2019, 28 November 2019, 28 January 2020, 26 March 2020 (via Zoom due to COVID although Cr Ross presented unannounced at the VLGA office to attend – he was the only Board member to do so), 2 July 2020, 27 August 2020*
5. *Board and GRC meetings are held at the VLGA offices at 60 Leicester St, Carlton, however since March 2020 meetings have been held via Zoom due to COVID.*

At point 2 above Ms Arndt states that sitting fees are inclusive of related expenses i.e. travel. The Reviewer considered the VLGA Board sitting fees policy, and notes that it provides that sitting fees assist with the costs associated with travel to VLGA meetings and forums.

Ms Arndt confirmed that, despite her use of the word "include", the list of the Board and committee meetings at point 4 above is an exhaustive list. Ms Arndt also confirmed Cr Ross was in attendance for all of the Board and committee meetings listed at point four, and that a sitting fee was paid to him by VLGA for all of those meetings. These meetings, and any relevant Claims made by Cr Ross to Council in relation to these meetings, are set out below.

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Description of meeting	Date of meeting	Location of meeting	Relevant VLGA-related Claims submitted to Cardinia matching VLGA meeting date
VLGA Board Planning workshop	8 August 2019	60 Leicester St, Carlton VIC 3053	8/8/19 - VLGA Event – Melb CBD - 136km. ¹ 8/8/19 - VLGA Event (tolls) – \$16.38. ² 8/8/19 - VLGA Event (parking coins)- \$24. ³
VLGA Board Meeting	22 August 2019	60 Leicester St, Carlton VIC 3053	22/8/19 - VLGA Event/MWRRG Event – Melb CBD - 136km. ⁴
VLGA GRC Committee Meeting	29 August 2019	60 Leicester St, Carlton VIC 3053	29/8/19 - VLGA Event – Melb CBD - 136km. ⁵ 29/8/19 - VLGA Meeting (parking coins)- \$15. ⁶
VLGA Board Meeting	17 October 2019	60 Leicester St, Carlton VIC 3053	No Claims made for VLGA meetings on this date as of the date of this report
VLGA GRC Committee Meeting	28 November 2019	60 Leicester St, Carlton VIC 3053	28/11/19 – VLGA Gov + Risk Com – Melb CBD - 136km. ⁷
VLGA Board Meeting	12 December 2019	60 Leicester St, Carlton VIC 3053	12/12/19 – VLGA Meeting - Melb CBD – 136km. ⁸ 12/12/19 - Parking Coins - \$15. ⁹ 12/12/19 - Tolls Road – \$5.08. ¹⁰
VLGA Board planning workshop	13 December 2019	60 Leicester St, Carlton VIC 3053	No Claims made for VLGA meetings on this date as of the date of this report
VLGA GRC Committee Meeting	28 January 2020	60 Leicester St, Carlton VIC 3053	No Claims made for VLGA meetings on this date as of the date of this report
VLGA Board Meeting	13 February 2020	60 Leicester St, Carlton VIC 3053	No Claims made for VLGA meetings on this date as of the date of this report
VLGA GRC Committee Meeting	26 March 2020	60 Leicester St, Carlton VIC 3053 and Zoom	No Claims made for VLGA meetings on this date as of the date of this report
VLGA Board Meeting	16 April 2020	Via Zoom	No Claims made for VLGA meetings on this date as of the date of this report
VLGA GRC Committee Meeting	2 July 2020	Via Zoom	No Claims made for VLGA meetings on this date as of the date of this report
VLGA Board Meeting	16 July 2020	Via Zoom	No Claims made for VLGA meetings on this date as of the date of this report
VLGA GRC Committee Meeting	27 August 2020	Via Zoom	No Claims made for VLGA meetings on this date as of the date of this report

¹ Travelling expenses form dated 16 September 2019, page 3.

² Out of pocket expenses form dated 16 September 2019, page 1.

³ Out of pocket expenses form dated 16 September 2019, page 1.

⁴ Travelling expenses form dated 16 September 2019, page 4.

⁵ Travelling expenses form dated 16 September 2019, page 5.

⁶ Out of pocket expenses form dated 16 September 2019, page 1.

⁷ Travelling expenses form dated 18 December 2019, page 7.

⁸ Travelling expenses form dated 18 December 2019, page 11.

⁹ Out of pocket expenses form dated 18 December 2019, page 2.

¹⁰ Ibid.

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The Reviewer notes that the travelling expenses claim for 22 August 2019 appears to simultaneously claim for a VLGA Event and a MWRRG Event. This is discussed further below.

The Reviewer notes that the completed Claim Forms often lack specific details regarding meetings and events attended by Cr Ross. As such, some of the relevant Claims extracted from the Claim Forms completed by Cr Ross refer to "VLGA Event" or "VLGA Meeting". In particular, the Claims on 8 August 2019, 22 August 2019 and 29 August 2019 as referenced in the table above refer to "VLGA Event", rather than specifically referring to a Board or GRC Committee meeting. The Claim on 12 December 2019 refers to "VLGA meeting" rather than specifically referring to the VLGA Board meeting. Accordingly, the Reviewer considered whether there may have been another VLGA event or meeting in the vicinity of the CBD on the same day as the VLGA meeting for which Cr Ross was paid sitting fees, and that perhaps he was claiming for that other event or meeting.

Further information was obtained from Ms Arndt. Ms Arndt confirmed to the Reviewer that other than the VLGA Board Planning Workshop, the VLGA Board Meeting and the VLGA GRC Committee Meeting that took place on 8 August 2019, 22 August 2019 and 29 August 2019 respectively, there were no other VLGA events taking place on those three dates in the CBD or its vicinity. The Reviewer also reviewed the publicly available VLGA events calendar on the VLGA website and noted that there were no events listed on those dates. As a result, the Reviewer has concluded that where Claims on 8 August 2019, 22 August 2019 and 29 August 2019 refer to a "VLGA Event", that Cr Ross was referring to the VLGA Board Planning Workshop, the VLGA Board Meeting or the VLGA GRC Committee Meeting as applicable to the dates provided on the Claim Forms. Ms Arndt also confirmed that on 12 December 2019 there were no other VLGA meetings that required Cr Ross's attendance or to which he was invited, except for the Board meeting. Therefore, the Reviewer considers that the 12 December 2019 Claim for a "VLGA meeting" is a Claim for the Board meeting of that date.

Ms Arndt also informed the Reviewer that the VLGA Board had an end of year dinner immediately following the Board meeting on 12 December 2019, which was held at a restaurant located around the corner from the office, being The Lincoln Hotel at 91 Cardigan St Carlton. As part of the Claims relating to this date, Cr Ross made a claim for \$5.08 in road tolls. The Citylink Trip history attached to the Out-of-pocket expenses form dated 18 December 2019 indicates that Cr Ross was on Citylink from Monash Fwy/Toorak Rd to Punt Rd at approximately 3:10 PM on that date. As such, the Reviewer considers it more likely than not that the Claims on 12 December 2019 relate to the Board Meeting, rather than the end of year dinner taking place after the meeting.

Observations and Recommendations

Based on the information available to her, the Reviewer finds that Cr Ross has received a sitting fee of \$426 per meeting from VLGA, in addition to being reimbursed for Claims by Council for VLGA meetings on the following dates: 8 August 2019, 29 August 2019, 28 November 2019 and 2 December 2019. The expenses claimed from Council are set out in the table below:

Date of Meeting	Description of meeting	Travel expenses claimed	Tolls claimed	Parking costs claimed
8 August 2019	VLGA Board Planning workshop	136km at 113.346 cents per km	\$24.00	\$16.38
29 August 2019	VLGA GRC Committee Meeting	136km at 113.346 cents per km	\$15.00	none
28 November 2019	VLGA GRC Committee Meeting	136km at 113.346 cents per km	none	none

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12 December 2019	VLGA Board Meeting	136km at 113.346 cents per km	\$15.00	\$5.08
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As the VLGA Board sitting fees are inclusive of expenses such as travel, the Reviewer recommends Council make further inquiries of Cr Ross and obtain legal advice as to whether there has been any breach of legislation, code of conduct or policy. As part of any process, Council should provide Cr Ross with an opportunity to respond to any concerns relating to Claims made in respect of these four meetings.

Additionally, the Reviewer finds that Cr Ross has received a sitting fee of \$426 for the 22 August 2019 VLGA Board meeting and has been reimbursed by Council for a Claim for travel expenses (i.e. mileage only) to a "VLGA Event/MWRRG Event" on the same date, where the reference to "VLGA event" is, as explained above, a reference to the VLGA Board meeting. The Reviewer observes that Cr Ross has received a sitting fee inclusive of travel expenses for one part of this claim but not the other (as information provided by MWRRG did not identify Cr Ross as attending a paid MWRRG Board or committee meeting on 22 August 2019). The Cardinia Shire Council Councillor Expenses and Entitlements Policy provides for the reimbursement of out-of-pocket expenses. Council might take the view that if Cr Ross has travelled into the CBD once that day to attend both a VLGA Board meeting and a MWRRG event, and he has been paid a sitting fee inclusive of travel expenses for the Board meeting, then it does not appear that he has any out-of-pocket travel expenses (for a 136km journey) to claim for his attendance at the MWRRG event, as he was already compensated by VLGA for his travel into the CBD for the Board meeting. However, as part of this Review this joint claim of 22 August 2019 was not put to Cr Ross for a response and so it is not known, for example, whether Cr Ross travelled the 136km journey twice that day. The Reviewer recommends that Council make further inquiries about the joint claim of 22 August 2019 and seek further information from Cr Ross, in order to determine whether it is a claim of concern which may require further action.

Review of attendance at MWRRG Meetings

In response to Ms Jeff's questions, Ms Riseley provided the following relevant information:

All meetings were held at the MWRRG office. 18 – 38 Siddeley Street, Melbourne

.....

MWRRG Board Director fees are as follows

2017-18: \$364 per session

2018-19: \$380.40 per session

2019-20: \$388.11 per session

In some instances, Cr Ross was paid at half session fees due to the nature of the meeting.

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Cr Ross commenced his position on the MWRRG Board on 1 May 2017. Cr Ross was also a member of our Audit Risk and Finance Management Committee from July 2017 – August 2018

Ms Riseley later identified some 2020 meetings and one 2019 meeting that were held remotely, however none of these remote meetings were relevant to the review. Ms Riseley also noted some meetings where Cr Ross was paid a half session fee but again, none of those meetings were relevant to the review.

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Ms Riseley also provided a table that included the details of 68 MWRRG events and meetings that Cr Ross attended and for which he received MWRRG Board director fees. After seeking further clarification from Ms Riseley, the Reviewer determined that of these 68 MWRRG events or meetings, 38 of them were Board meetings or committee meetings that fell within the scope of this review.

They are as follows:

Date	Meeting
18 July 2017	AFRM Committee
26 July 2017	Board Meeting
30 August 2017	AFRM Committee
30 August 2017	Board Meeting
6 September 2017	Board Meeting
27 September 2017	Board Meeting
17 October 2017	AFRM Committee
25 October 2017	Board Meeting
29 November 2017	Board Meeting
20 December 2017	Board Meeting
15 February 2018	AFRM Committee
28 February 2018	Board Meeting
28 March 2018	Board Meeting
19 April 2018	AFRM Committee
2 May 2018	Board Meeting
30 May 2018	Board Meeting
27 June 2018	Board Meeting
19 July 2018	AFRM Committee
25 July 2018	Board Meeting
29 August 2018	Board Meeting
5 September 2018	EPA/SV/MWRRG Boards
26 September 2018	Board Meeting

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31 October 2018	Board Meeting
28 November 2018	Board Meeting
19 December 2018	Board Meeting
15 February 2019	Board Workshop
27 February 2019	Board Meeting
27 March 2019	Board Meeting
1 May 2019	MWRRG Board workshop
29 May 2019	Board Meeting
26 June 2019	Board Meeting
31 July 2019	Board Meeting
28 August 2019	Board Meeting
25 September 2019	Board Meeting
30 October 2019	Board Meeting
27 November 2019	Board Meeting
29 January 2020	Board Meeting
12 March 2020	Special Board Meeting

The Reviewer notes that references to in the above table to "AFRM committee" are references to the Audit Risk and Finance Management Committee which Cr Ross was a member of in the period July 2017 – August 2018.

Ms Riseley also provided a copy of the MWRRG Board Remuneration and Reimbursement Policy (the **MWRRG Policy**).

The Reviewer considered the MWRRG Policy. It provides that sessional rates are paid to Board members due to their workload, the regularity of meetings and the Board activities they undertake. The MWRRG Policy also provides that Board members are eligible for reimbursement of out-of-pocket expenses such as travel associated with attending meetings. Travel is reimbursed at the rate of 68 cents per kilometre, and car parking at reasonable costs. Relevantly, where Cr Ross attends a MWRRG meeting, he is entitled to both the payment of a sitting fee/director fees, as well as an additional reimbursement of travel and parking costs.

The Reviewer was also provided with the claim forms Cr Ross lodged with MWRRG when claiming reimbursement for travel related expenses. In respect of the 38 MWRRG Board and committee meetings, the Reviewer observed that save for one instance where Cr Ross did not claim travel expenses (mileage), one instance where he did not claim parking and two instances where he did not claim tolls, Cr Ross otherwise

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claims travel expenses (mileage), tolls and parking from MWRRG for his attendance at Board and committee meetings, as he is entitled to do under the MWRRG Policy.

The Reviewer was also provided with a spreadsheet of reconciliations of claims made and monies reimbursed.

Observations and Recommendations

When cross referencing the 38 MWRRG Board and committee meetings that fell within the scope of this review against Claims made by Cr Ross to Council, the Reviewer found that Cr Ross did not make any Claims to Council for his attendance at any of the 38 Board or committee meetings.

In examining the Claim Forms, the Reviewer observed that there were three dates where Cr Ross made Claims with Council for other types of MWRRG meetings or events held on the same date as a paid MWRRG Board or committee meeting. Cr Ross was reimbursed for those Claims. The relevant MWRRG Board and committee meetings, and the amounts claimed **from MWRRG** for travel related expenses to those Board and committee meetings are as follows:

Date of Meeting	MWRRG Description of meeting	Travel expenses claimed from MWRRG	Tolls claimed from MWRRG	Parking costs claimed from MWRRG
15 February 2018	AFRM Committee	136km at ATO rate	\$12.76	\$16.50
30 October 2019	Board Meeting	136km at ATO rate	\$16.53	\$12.29
27 November 2019	Board Meeting	136km at ATO rate	\$16.53	\$12.29

Ms Riseley had provided information that all paid Board and committee meetings were held at 18 – 38 Siddeley Street, Melbourne.

Cr Ross has made Claims to Council for one MWRRG Forum and two MWRRG SPAG and TORG meetings held in the CBD on the same dates as the MWRRG Board and committee meetings noted above. The Details of the Claims with Council are as follows:

Date of Meeting	Cr Ross' description of Meeting on travel expenses Claim Form	Travel expenses claimed from Council	Cr Ross' description of Meeting on Out-of-pocket expenses Claim Form	Tolls claimed from Council	Parking costs claimed from Council
15 February 2018	MWRRG Forum	CBD - 136km at 113.346 cents per km	Metro Waste Meeting - Car Parking (Melb CBD) Meter	None	\$15.00
30 October 2019	MWRRG SPAG and TORG	CBD - 136km at 113.346 cents per km	Parking Coins	None	\$14.40
27 November 2019	MWRRG SPAG and TORG	CBD - 136km at 113.346 cents per km	None	None	None

Cr Ross has made a travel expense claim to Council for the MWRRG Forum on 15 February 2018. Initially, the Reviewer understood that this forum was a paid meeting because some MWRRG forums were listed as paid meetings in the information provided by Ms Riseley. The Reviewer sought further clarification about this

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MWRRG Forum on 15 February 2018. Ms Riseley informed the Reviewer that Cr Ross would not have been paid director fees for attending a MWRRG Forum on 15 February 2018 as at that time Councillors were not paid for their attendance. Ms Riseley understood that this MWRRG Forum took place on the same day as the AFRM Committee, but at a different time to the AFRM Committee. The Reviewer does not have any information from MWRRG about the location of the MWRRG Forum on 15 February 2018, but notes that Cr Ross has claimed for 136km to the CBD to attend the MWRRG Forum on this date.

The two events described as "MWRRG SPAG and TORG" in the table above are unpaid meetings, as is the MWRRG Forum of that date, therefore it appears that Cr Ross has not made claims to Council for any paid meetings on the same dates.

While Council may wish to make further inquiries with respect to the parking costs claimed from both MWRRG and Council, the Reviewer notes that it would not be unusual to have two claims for parking on the same date when attending two meetings/events in the same location, particularly in the CBD where parking costs are high. As the Reviewer was unable to obtain further information about the parking costs from Cr Ross due to the report timeframes, the Reviewer makes no finding in relation to the parking costs claimed.

Based on the information available to her, the Reviewer finds that on one occasion, being 15 February 2018, Cr Ross:

- was paid sitting fees of \$364, and was reimbursed travels expenses (i.e. mileage) for a 136km return journey to the CBD, by MWRRG for his attendance at an AFRM Committee; and
- also claimed and was reimbursed travel expenses (i.e. mileage) for a 136km return journey to the CBD by Council for his attendance at an unpaid meeting, the MWRRG Forum, on the same date.

Based on the information available to her, the Reviewer finds that on two occasions, being 30 October 2019 and 27 November 2019 Cr Ross:

- was paid sitting fees of \$388.11, and was reimbursed travels expenses (i.e. mileage) for a 136km return journey to the CBD, by MWRRG for his attendance at Board meetings; and
- also claimed and was reimbursed travel expenses (i.e. mileage) for a 136km return journey to the CBD by Council for his attendance at unpaid meetings, the MWRRG SPAG and TORG meetings, on the same dates.

In concluding that Cr Ross was reimbursed for travel expenses in the form of mileage by MWRRG as described above, the Reviewer considered the spreadsheet of reconciliations provided by MWRRG. The spreadsheet includes a reconciliation of total amounts claimed against total reimbursements, by quarter. It also provides a breakdown of reimbursements for parking, travel expenses (in the form of mileage) and tolls. Upon examining the spreadsheet, the Reviewer identified that Cr Ross was reimbursed his claims in full in the 3rd quarter of 2018-2019, being the applicable quarter for the 15 February 2018 claim. The Reviewer identified that although Cr Ross was not reimbursed his claims in full in the 2nd quarter of 2019-2020, being the applicable quarter for the 30 October 2019 and 27 November 2019 claims, he was reimbursed in full for travel expenses in the form of mileage in the 2nd and 3rd quarters. (The Reviewer notes that the 2nd and 3rd quarters are combined for that financial year in the spreadsheet). Accordingly, the Reviewer determined that Cr Ross was reimbursed for his travel expenses in the form of mileage for the 30 October 2019 and 27 November 2019 claims.

The Cardinia Shire Council Councillor Expenses and Entitlements Policy provides for the reimbursement of out-of-pocket expenses. Council might take the view that if Cr Ross has travelled into the CBD once that day to attend a paid MWRRG Board or committee meeting, as well as another unpaid MWRRG meeting/event, and he has been reimbursed travel expenses for the Board/committee meeting, then it does not appear that he has any out-of-pocket travel expenses (for a 136km journey) to claim for his attendance at the unpaid MWRRG meeting/event, as he was already compensated by MWRRG for his travel into the CBD that day. Given that the Claims of 15 February 2018, 30 October 2019 and 27 November 2019 were not put to Cr Ross

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for a response as part of this review, it is not known, for example, whether Cr Ross travelled the 136km journey twice that day. The Reviewer recommends that Council make further inquiries about the Claims of 15 February 2018, 30 October 2019 and 27 November 2019 and seek further information from Cr Ross to determine whether they are claims of concern which may require further action. Further information would also need to be obtained from MWRRG about the relevant meeting/event times.

In examining the Claim Forms, the Reviewer also observed that there appeared to be other dates where Cr Ross made both:

- claims with MWRRG for travel expenses for a 136km return journey to the CBD for a MWRRG Board or committee meeting; and
- Claims with Council for travel expenses for a 136km return journey to the CBD for other types of meetings not related to MWRRG.

For example, Cr Ross claimed and was reimbursed by Council for travel expenses to an "Interface meeting" held on 28 February 2018 for which he travelled a 136km return journey into the CBD and he also claimed travel expenses from MWRRG for his attendance at a MWRRG Board meeting held on the same date, for which he also travelled a 136km return journey into the CBD. It is not known whether Cr Ross travelled the 136km return journey to the CBD once that day, or twice. Due to the timeframes set for this review and report, the Reviewer was not able to comprehensively review other non-MWRRG related Claims made to Council against MWRRG claims made to MWRRG.

Council should consider its position with respect to reimbursement of travel expenses for a meeting (meeting 1), where a Councillor attends another meeting in the same or similar location on the same day (meeting 2), and is reimbursed by another organisation for that meeting (meeting 2). If Council considers a reimbursement from Council for a meeting (meeting 1) in these circumstances would be a breach of Council policy (or another source of Councillor obligations), then the Reviewer recommends that Council undertake a broader review of Cr Ross' Claims to Council, cross referenced against claims to MWRRG with respect to all meetings, to determine whether Cr Ross has claimed two 136km return journeys to the CBD on the same date, one with each organisation. This type of review would require an extensive examination of all MWRRG claim forms and, in order to be accurate, would require the reviewer to obtain further information from MWRRG, such as meeting locations and meeting times. It would also involve obtaining further information from another organisation, such as the organisation related to Interface meetings, where two claims have been identified. The Reviewer also notes that it may take some time to obtain this additional information from other organisations, as was the case in this review.

If a later review determines further instances where Cr Ross has claimed two 136km return journeys to the CBD on the same date, one with MWRRG and one with Council, then it would be important to put this to Cr Ross for a response, as he may have a legitimate explanation for why he has made two claims.

Audit of kilometres claimed

Prior to conducting the audit, it was observed that Cr Ross consistently claimed for a return journey of 136km when attending meetings related to VLGA and MWRRG. In accordance with item 3 of the Motion the Reviewer was required to conduct an audit of the kilometres listed for trips claimed by Cr Ross using Google Maps as a reference. When inputting a trip, Google Maps will display the number of kilometres undertaken as part of this trip. However, the Reviewer cannot attest to the accuracy of Google Maps' calculations.

In order to accurately conduct an audit of the trips claimed by Cr Ross, it was important to ascertain where Cr Ross begins his journey, which route he takes to the meeting, where he parks his car, which route he takes on the return journey and where his journey ends. Had this information not been obtained the audit would be inaccurate as it would be based purely on assumptions, such as an assumption that Cr Ross commences his journey from his home. Cr Ross was asked the following questions by the Reviewer:

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When you have previously made an expense claim for travel to a VLGA or MWRRG meeting you have recorded the distance travelled for the return journey as 136km. I have attached an expense claim form for your information. For example, on 11 April 2019 you travelled to VLGA and recorded 136km and on 9 May 2019 you travelled to MWRRG and recorded 136km.

With respect to travel to VLGA meetings, could you please clarify for me:

- 1. Where does your journey begin (e.g. home, work) and what is the address of that place?*
- 2. What is the route that you take to the meeting? (I will ask you to please explain it in detail)*
- 3. Where do you park your car when you arrive for the meeting?*
- 4. What is the route that you take on the return journey?*
- 5. Where does your journey end, and what is the address of that place?*

With respect to travel to MWRRG meetings, could you please clarify for me:

- 1. Where does your journey begin (e.g. home, work) and what is the address of that place?*
- 2. What is the route that you take to the meeting? (I will ask you to please explain it in detail)*
- 3. Where do you park your car when you arrive for the meeting?*
- 4. What is the route that you take on the return journey?*
- 5. Where does your journey end, and what is the address of that place?*

Cr Ross responded to the above questions. He provided information that he commences and ends his journey at his home in Pakenham and provided the address of his home (the **Home Address**). The Home Address, and an adjacent street, are not included in this report for privacy reasons. Cr Ross provided examples of the routes he takes, and where he parks, and these are discussed in detail below.

The Reviewer had noted to Cr Ross that he claimed a consistent 136km return journey. The results of the audit below, where Cr Ross' example routes were analysed, show a return journey of greater than 136km.

The Reviewer notes in this report a summary of the explanation that Cr Ross has provided for how he arrived at the figure of 136km. Cr Ross has explained that, around 12 years ago, he had discussions with other Councillors about processing expense claims and they advised him that it was sufficient to ascertain the average distance he has travelled and to use that average when making his expense claim. Cr Ross further explained that he used his odometer over approximately 3 trips to VLGA and MWRRG meetings and the average distance was 136km. Even though Cr Ross later noticed that he was travelling a greater distance than 136km he was happy to maintain a consistent claim for 136km. Cr Ross also noted that he told a Council officer that he was making his travel expense claims on the basis of an average and that the Council officer did not object to this. The Reviewer was not able to verify the explanations provided with any Councillors or Council officer, as this would be outside the scope of the Review, but includes a summary of Cr Ross' explanation so that it is clear in this report why the routes Cr Ross has given as examples are not consistent with his claim of 136km.

The Reviewer notes that when Cr Ross has made travel expense claims with MWRRG for Board and committee meetings, he consistently claims for a 136km return journey. The MWRRG expense claim forms contain a section for odometer readings. In the period 18 July 2017 to 26 September 2018, Cr Ross inserted 22 odometer readings into the MWRRG expense claim forms. Those readings consistently show a return journey of 136km. It is unclear why Cr Ross continued to monitor and record odometer readings for his MWRRG claims as late as September 2018, but not his Cardinia Shire Council claims, or why the actual odometer readings for his MWRRG claims are consistently 136km when Cr Ross uses routes to meetings that are in excess of 136km. Due the timeframes required for this report, the Reviewer did not have the opportunity to raise these matters with Cr Ross and notes that he should be given an opportunity to address this.

Cr Ross explained that he does not park in one consistent location when attending VLGA or MWRRG meetings, as this depends on the availability of reasonably affordable parking. For these meetings, he noted that he will usually try to find on street metered parking because these car parks are usually charged at a rate

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of around \$7.70 per hour, which makes the parking cost of attending a meeting for around 4 hours approximately \$30.00. This is much cheaper than parking in a private parking lot, such as those provided by Wilson Parking around the CBD, where anything in the range of \$60-\$100 will be charged for a few hours parking. As a result, Cr Ross will usually have to drive around some of the streets near the meeting in order to find appropriate and available street parking. For the purpose of this audit, the Reviewer has taken this information into account and chosen to use the meeting locations as an approximate end point, given the difficulty of estimating the route taken and time required to find an appropriate and available parking spot. The Reviewer acknowledges that additional kilometres would be required for the purpose of driving around to find a parking spot.

As set out in this report, the Reviewer has identified four VLGA meetings where Cr Ross has been reimbursed travel related expenses from Council while receiving a sitting fee for attending those meetings. As item 3 of the Motion requires "a full audit of the kilometres listed for each trip claimed by Cr Ross", the Reviewer understands that this is to be read in the context of the entire Motion. As a result, the focus of the audit of kilometres travelled will be limited to these four VLGA meetings where Cr Ross has claimed for expenses from Council while receiving a sitting fee inclusive of travel expenses from VLGA for attending these meetings. (In any event, addresses have not been provided on the Claim Forms for any other meetings, and the address of the VLGA meetings was provided by VLGA.) These relevant VLGA meetings are as follows:

Date of Meeting	Description of Meeting	Meeting Location
8 August 2019	VLGA Board Planning workshop	60 Leicester St, Carlton VIC 3053
29 August 2019	VLGA GRC Committee Meeting	60 Leicester St, Carlton VIC 3053
28 November 2019	VLGA GRC Committee Meeting	60 Leicester St, Carlton VIC 3053
12 December 2019	VLGA Board Meeting	60 Leicester St, Carlton VIC 3053

The Councillor Expenses and Entitlements Policy provides "that travel must be undertaken as quickly as possible and by the shortest route possible." The Reviewer cannot confirm if any route is both the quickest and the shortest route in accordance with the Councillor Expenses and Entitlements Policy, as the duration of a journey will depend on numerous factors, including but not limited to the time of travel, traffic conditions on that day and road closures. On this basis, the Reviewer has only performed Google Maps searches for the purpose of considering the shortest possible route.

Results of audit of kilometres for VLGA meetings

Starting point	End point	Number of kilometres for shortest route as provided by Google Maps
Home address	60 Leicester St, Carlton VIC 3053	60.4km
60 Leicester St, Carlton VIC 3053	Home Address	61.5km
	Total	121.9km

Google Maps provides that the return journey for travelling the shortest route possible to VLGA meetings is 121.9km, which is 14.1 km less than the 136km return journey claimed by Cr Ross.

The Reviewer acknowledges that the total number of kilometres listed above does not include the additional driving required to look for an appropriate and available parking spot. The Reviewer considers that it is likely

that an additional one or two kilometres would be required to look for an appropriate and available parking spot.

Examples of routes provided by Cr Ross

Cr Ross provided information that he always tries to take the quickest and shortest route possible in accordance with the requirement of the Councillor Expenses and Entitlements Policy 2016. However, his route varies day to day depending on a number of variables. These variables, such as the time of the meeting and traffic conditions, can mean the shortest route may not be the fastest route, or vice versa. Cr Ross has stated that he takes different routes, to ensure that he takes the most time and cost efficient route in all of the circumstances.

Cr Ross provided the Reviewer with some examples of routes he takes to VLGA meetings.

While Cr Ross also provided example routes that he takes to MWRRG meetings, the Reviewer has not replicated these example routes in this report as the focus of the audit of kilometres travelled is limited to four paid VLGA meetings where Cr Ross has claimed for expenses from Council while receiving a sitting fee inclusive of travel for attending these meetings.

The example routes and estimated distances are as follows:

Example 1: Route to and From VLGA Meeting (using toll roads)

Journey to meeting	Example route for journey provided by Cr Ross
Route to VLGA Meeting - using toll roads	Drive out of [street name redacted], turn right onto [street name redacted], left onto Mackellar St, right onto McCubbin Ave, right onto Henry Rd, left onto McGregor Rd, left onto Princes Hwy, travel down Princes Hwy, right into Old Princes Hwy through Beaconsfield CBD, right onto Beaconsfield-Emerald Rd, left into Inglis Rd, left at the roundabout into Lyaal Rd, right at the roundabout onto Harkaway Rd, follow Harkaway Rd, when Harkaway Rd ends, turn left onto Wellington Rd, follow Wellington Rd to Stud Rd, turn right onto Stud Road, follow Stud Road to Ferntree Gully Rd, left onto Ferntree Gully Rd, follow Ferntree Gully Rd, turn right into Blackburn Rd and left onto the Monash Freeway, exit Monash Freeway onto Exhibition St, left into Victoria St, right onto Bouverie St, left into Queensberry St, left into Leicester St.
Instructions on Car Parking	In order to find appropriate and available on street metered parking Cr. Ross will usually have to drive past the office and around the nearby streets. In doing so he takes the following approximate route: drive down Leicester St, U turn back up Leicester St, left into Berkeley St, U turn in Berkeley St, left into Leicester St over Queensberry St, up Leicester St, left into Penham St, left into Berry St, left into Leicester St, right into Penham St, left into Bouverie St. By taking this route Cr. Ross will usually find a car park.
Route from VLGA Meeting - using toll roads	Assuming Cr. Ross found a car park on Berry St, he would drive from Berry Street, turn right onto Leicester St, left onto Victoria Parade, right onto Punt Rd, left onto Monash Freeway, left onto Ferntree Gully Road, follow Ferntree Gully Rd, right onto Stud Rd, left onto Wellington Rd, right onto Harkaway Rd, left onto Old Princes Hwy Berwick, follow then left onto Princes Hwy Beaconsfield, right onto McGregor Rd, right onto Henry Rd, right on McKellar St, right onto [street name redacted], left into [street name redacted].
Estimated kilometres for Example 1	148.55 kilometres

The Reviewer inserted the above route into Google Maps and notes that on the basis of Google Maps' calculations, the return journey for the above route is 148.55km. The Reviewer notes that where Cr Ross

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refers to Penham Street and Berry Street in Carlton in the directions above, there are no streets in this area by these names. The Reviewer has assumed that he is referring to Pelham Street and Barry Street in Carlton and estimated the kilometres on this basis.

On the basis of information provided by Cr Ross, it appears that the estimated distance travelled by Cr Ross to these meetings exceeds the 136km that has been claimed by Cr Ross for VLGA meetings.

Example 2: Route to and From VLGA Meeting (not using toll roads)

Journey to meeting	Example route for journey provided by Cr Ross
Route to VLGA Meeting – not using toll roads	Drive out of [street name redacted], turn right onto [street name redacted], left onto Mackellar St, right onto McCubbin Ave, right onto Henry Rd, left onto McGregor Rd, Left onto Princes Hwy, travel down Princes Hwy, right into Old Princes Hwy through Beaconsfield CBD, right onto Beaconsfield-Emerald Rd, left into Inglis Rd, left at the roundabout into Lyall Rd, right at the roundabout onto Harkaway Rd, follow Harkaway Rd, when Harkaway Rd ends, turn left onto Wellington Rd, follow Wellington Rd to Stud Rd, turn right onto Stud Road, follow Stud Road to Ferntree Gully Rd, left onto Ferntree Gully Rd, follow Ferntree Gully Rd, turn right into Blackburn Rd and left onto the Monash Freeway, turn left onto Toorak Rd, right on Williams Rd, left onto Alexandra Ave, right onto Punt Rd, right onto Victoria Parade, right onto Bouverie St, left into Queensberry St, left into Leicester St.
Instructions on Car Parking	In order to find appropriate and available on street metered parking, Cr. Ross will usually have to drive past the office and around the nearby streets. In doing so he will take the following approximate route: drive down Leicester St, U turn back up Leicester St, left into Berkeley St, U turn in Berkeley St, left into Leicester St over Queensberry St, up Leicester St, left into Penham St, left into Berry St, left into Leicester St, right into Penham St, left into Bouverie St. By taking this route Cr. Ross will usually find a car park.
Route from VLGA Meeting – not using toll roads	Assuming Cr. Ross found a car park on Berry St, he would drive from Berry Street, turn right onto Leicester St, left onto Victoria Parade, right onto Punt Rd, left onto Alexandra Blvd, left onto Toorak Rd, right onto Monash Freeway, left onto Ferntree Gully Road, follow Ferntree Gully Rd, right onto Stud Rd, Left onto Wellington Rd, Right onto Harkaway Rd, left onto Old Princes Hwy Berwick, follow then left onto Princes Hwy Beaconsfield, right onto McGregor Rd, right onto Henry Rd, right on McKellar St, right onto [street name redacted], left into [street name redacted].
Estimated kilometres for Example 2	143.45 kilometres

The Reviewer inserted the above route into Google Maps and notes that on the basis of Google Maps' calculations, the return journey for the above route is 143.45km. The Reviewer notes that where Cr Ross refers to Penham Street and Berry Street in Carlton in the directions above, there are no streets in this area by these names. The Reviewer has assumed that he is referring to Pelham Street and Barry Street in Carlton and estimated the kilometres on this basis. Additionally, in the Route from the VLGA Meeting, the directions provided instruct that a left hand turn was taken from Alexandra Avenue onto Toorak Road. These roads are adjacent and would require a person to drive through a connecting street to access Toorak Road from Alexandra Avenue. As Williams Road was used as a connecting road in the route to the VLGA Meeting, the Reviewer has assumed that Cr Ross would have driven on Williams Road to make a left hand turn onto Toorak Road from Alexandra Avenue on the return trip.

On the basis of information provided by Cr Ross, it appears that the estimated distance travelled by Cr Ross to these meetings exceeds the 136km that has been claimed by Cr Ross for VLGA meetings.

Observations

Based on the information available to the Reviewer, the Reviewer finds that where Councillor Ross has travelled to VLGA meetings according to either his Example 1 route, or his Example 2 route, his claim for a return journey of 136km is for a shorter distance than the actual distance he says he has travelled.

Additional recommendations

Council's expense claim form for travelling expenses does not require the Councillor to insert the exact address of their destination. The Reviewer recommends that Council officers review the expense claim forms and consider whether any amendments to the forms may be advisable.

Earlier versions of the Council's Out-of-pocket expense claim form stated as follows: *Claims for parking expenses must include details of what function was being attended and how long the period of parking was for.* Cr Ross did not always include this information. Later versions of the form require a receipt to be attached. The Reviewer recommends that Council officers review the expense claim processes and consider whether any amendments to the process should be made, in particular in relation to forms that do not comply with requirements.

Annexure A – List of Documents

Expense Claim Forms	Date of Expense Claim Form	Provided by
Expense Claim Forms		
Travelling expenses	9 February 2015	Andrew Pomeroy
Out-of-pocket expenses	12 March 2015	Andrew Pomeroy
Travelling expenses	12 March 2015	Andrew Pomeroy
Out-of-pocket expenses	7 May 2015	Andrew Pomeroy
Travelling expenses	7 May 2015	Andrew Pomeroy
Travelling expenses	5 June 2015	Andrew Pomeroy
Out-of-pocket expenses	9 July 2015	Andrew Pomeroy
Travelling expenses	9 July 2015	Andrew Pomeroy
Travelling expenses	10 August 2015	Andrew Pomeroy
Travelling expenses	7 September 2015	Andrew Pomeroy
Out-of-pocket expenses	8 October 2015	Andrew Pomeroy
Travelling expenses	8 October 2015	Andrew Pomeroy
Travelling expenses	16 November 2015	Andrew Pomeroy
Travelling expenses	18 January 2016	Andrew Pomeroy
Out-of-pocket expenses	19 January 2016	Andrew Pomeroy
Out-of-pocket expenses	31 March 2016	Andrew Pomeroy
Out-of-pocket expenses	8 August 2016	Andrew Pomeroy
Travelling expenses	8 August 2016	Andrew Pomeroy
Travelling expenses	12 December 2016	Andrew Pomeroy
Travelling expenses	12 December 2016	Andrew Pomeroy
Out-of-pocket expenses	12 December 2016	Andrew Pomeroy
Out-of-pocket expenses	28 March 2017	Andrew Pomeroy
Travelling expenses	28 March 2017	Andrew Pomeroy
Out-of-pocket expenses	31 May 2017	Andrew Pomeroy

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Travelling expenses	31 May 2017	Andrew Pomeroy
Travelling expenses	13 June 2017	Andrew Pomeroy
Travelling expenses	13 June 2017	Andrew Pomeroy
Out-of-pocket expenses	24 July 2017	Andrew Pomeroy
Travelling expenses	24 July 2017	Andrew Pomeroy
Out-of-pocket expenses	6 September 2017	Andrew Pomeroy
Travelling expenses	6 September 2017	Andrew Pomeroy
Out-of-pocket expenses	9 November 2017	Andrew Pomeroy
Travelling expenses	9 November 2017	Andrew Pomeroy
Out-of-pocket expenses	11 December 2017	Andrew Pomeroy
Travelling expenses	11 December 2017	Andrew Pomeroy
Out-of-pocket expenses	23 January 2018	Andrew Pomeroy
Travelling expenses	23 January 2018	Andrew Pomeroy
Out-of-pocket expenses	5 March 2018	Andrew Pomeroy
Travelling expenses	5 March 2018	Andrew Pomeroy
Out-of-pocket expenses	4 June 2018	Andrew Pomeroy
Travelling expenses	4 June 2018	Andrew Pomeroy
Out-of-pocket expenses	15 July 2018	Andrew Pomeroy
Travelling expenses	15 July 2018	Andrew Pomeroy
Out-of-pocket expenses	23 August 2018	Andrew Pomeroy
Travelling expenses	23 August 2018	Andrew Pomeroy
Out-of-pocket expenses	13 December 2018	Andrew Pomeroy
Travelling expenses	13 December 2018	Andrew Pomeroy
Out-of-pocket expenses	25 March 2019	Andrew Pomeroy
Travelling expenses	25 March 2019	Andrew Pomeroy
Out-of-pocket expenses	25 June 2019	Andrew Pomeroy
Travelling expenses	25 June 2019	Andrew Pomeroy

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Out-of-pocket expenses	16 September 2019	Andrew Pomeroy
Travelling expenses	16 September 2019	Andrew Pomeroy
Out-of-pocket expenses	18 December 2019	Andrew Pomeroy
Travelling expenses	18 December 2019	Andrew Pomeroy
Out-of-pocket expenses	19 March 2020	Andrew Pomeroy
Travelling expenses	19 March 2020	Andrew Pomeroy
Travelling expenses	9 February 2015	Andrew Pomeroy
Out-of-pocket expenses	12 March 2015	Andrew Pomeroy
Travelling expenses	12 March 2015	Andrew Pomeroy
Out-of-pocket expenses	7 May 2015	Andrew Pomeroy
Travelling expenses	7 May 2015	Andrew Pomeroy
Travelling expenses	5 June 2015	Andrew Pomeroy
Out-of-pocket expenses	9 July 2015	Andrew Pomeroy
Travelling expenses	9 July 2015	Andrew Pomeroy
Travelling expenses	10 August 2015	Andrew Pomeroy
Travelling expenses	7 September 2015	Andrew Pomeroy
Out-of-pocket expenses	8 October 2015	Andrew Pomeroy
Travelling expenses	8 October 2015	Andrew Pomeroy
Travelling expenses	16 November 2015	Andrew Pomeroy
Travelling expenses	18 January 2016	Andrew Pomeroy
Out-of-pocket expenses	19 January 2016	Andrew Pomeroy
Out-of-pocket expenses	31 March 2016	Andrew Pomeroy
Out-of-pocket expenses	8 August 2016	Andrew Pomeroy
Travelling expenses	8 August 2016	Andrew Pomeroy
Travelling expenses	12 December 2016	Andrew Pomeroy
Travelling expenses	12 December 2016	Andrew Pomeroy
Out-of-pocket expenses	12 December 2016	Andrew Pomeroy

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Out-of-pocket expenses	28 March 2017	Andrew Pomeroy
Travelling expenses	28 March 2017	Andrew Pomeroy
Out-of-pocket expenses	31 May 2017	Andrew Pomeroy
Travelling expenses	31 May 2017	Andrew Pomeroy
Travelling expenses	13 June 2017	Andrew Pomeroy
Travelling expenses	13 June 2017	Andrew Pomeroy
Out-of-pocket expenses	24 July 2017	Andrew Pomeroy
Travelling expenses	24 July 2017	Andrew Pomeroy
Out-of-pocket expenses	6 September 2017	Andrew Pomeroy
Travelling expenses	6 September 2017	Andrew Pomeroy
Out-of-pocket expenses	9 November 2017	Andrew Pomeroy
Travelling expenses	9 November 2017	Andrew Pomeroy
Out-of-pocket expenses	11 December 2017	Andrew Pomeroy
Travelling expenses	11 December 2017	Andrew Pomeroy
Out-of-pocket expenses	23 January 2018	Andrew Pomeroy
Travelling expenses	23 January 2018	Andrew Pomeroy
Out-of-pocket expenses	5 March 2018	Andrew Pomeroy
Travelling expenses	5 March 2018	Andrew Pomeroy
Out-of-pocket expenses	4 June 2018	Andrew Pomeroy
Travelling expenses	4 June 2018	Andrew Pomeroy
Out-of-pocket expenses	15 July 2018	Andrew Pomeroy
Travelling expenses	15 July 2018	Andrew Pomeroy
Out-of-pocket expenses	23 August 2018	Andrew Pomeroy
Travelling expenses	23 August 2018	Andrew Pomeroy
Out-of-pocket expenses	13 December 2018	Andrew Pomeroy
Travelling expenses	13 December 2018	Andrew Pomeroy
Out-of-pocket expenses	25 March 2019	Andrew Pomeroy

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Travelling expenses	25 March 2019	Andrew Pomeroy
Out-of-pocket expenses	25 June 2019	Andrew Pomeroy
Travelling expenses	25 June 2019	Andrew Pomeroy
Out-of-pocket expenses	16 September 2019	Andrew Pomeroy
Travelling expenses	16 September 2019	Andrew Pomeroy
Out-of-pocket expenses	18 December 2019	Andrew Pomeroy
Travelling expenses	18 December 2019	Andrew Pomeroy
Out-of-pocket expenses	19 March 2020	Andrew Pomeroy
Travelling expenses	19 March 2020	Andrew Pomeroy
Further Documents Considered		
Date		
Provided by		
Motion		
Extract from Ordinary Council Meeting Minutes	17 August 2020	Andrew Pomeroy
Information provided by VLGA, MWRRG and Cr Ross		
Information provided by email by VLGA	Various, September 2020	Kathryn Arndt
Information provided by email by MWRRG	Various, September 2020	Jillian Riseley
Information provided by email by Cr Ross	Various, August - September 2020	Bridie Murphy and Kamal Farouque
Policies		
VLGA Board Sitting Fees 2019	2019	Kathryn Arndt
Councillor Expenses and Entitlements Policy	2016	Andrew Pomeroy
MWRRG Board Remuneration and Reimbursement policy	September 2019	Jillian Riseley
Information provided to Council by Cr Leticia Wilmot		
Travel Claims 2017	Undated	Cr Leticia Wilmot
Travel Claims 2018	Undated	Cr Leticia Wilmot
Travel Claims 2019	Undated	Cr Leticia Wilmot
Travel Claim 2020	Undated	Cr Leticia Wilmot

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Explanation	Undated	Cr Leticia Wilmot
VLGA Breakdown	Undated	Cr Leticia Wilmot
2020 Forum leadership team elected	February 2020	Cr Leticia Wilmot
Emails from Kathryn Arndt to Cr Leticia Wilmot regarding Board member allowances	17 June 2020	Cr Leticia Wilmot
Email from Corey Hale (MWRRG) to Cr Leticia Wilmot regarding Request for information from MWRRG	26 June 2020	Cr Leticia Wilmot

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Comment of Cr. Collin Ross on Review Report

1. I write by way of preliminary comment on the privileged and confidential report prepared by Justitia Lawyers dated 14 September (**the Report**). This Report has been prepared as a result of the Motion of the Cardinia Shire Council adopted on 17 August 2020 and the subsequent review undertaken by Justitia Lawyers (**the Review**).
2. At the outset I wish to note the following:
 - a. No allegations of wrongdoing have been made against me as part of this process, and none are recommended as an outcome of the Review.
 - b. No adverse findings have been made in relation to my conduct as a result of the Review. Furthermore, the report has found or observed that the route I usually travel to meetings of the VLGA is more than 136km, and therefore I have in fact under-claimed on these expenses.
 - c. To the extent that any matter is referred to as a “finding” in the Report, the Reviewer confirms that those findings are only observations made by the Reviewer after undertaking the review, because I have not been provided with a proper opportunity to respond in the Review. Those observations, and any related recommendations, go no further than recommending the council seek further information and a response from me, obtain advice or consider its own policies and procedures.
 - d. The Reviewer recommends that no further action should be taken as a result of the Review until I have had an opportunity to respond to the findings.
 - e. I have not yet been given a proper opportunity to respond to the findings, and I have been denied procedural fairness and natural justice in the Review process. This is confirmed by the Report which at numerous points states that I have not been provided with an opportunity to respond to the Review or the findings and observations made within the Report.
 - f. The conduct of the Review and the outcome of the report is affected by this denial of procedural fairness, which the Reviewer notes has been necessitated by the timeframes within which the Motion required the Review to be completed. It is concerning that these unreasonable timeframes were set by the Motion for the conduct of the Review, particularly considering the impending Council election and the prospect for this patently unfair Review process and any consequentially flawed outcomes to influence voting at the election.
 - g. There are errors in the findings or observations numbered as 1, 2, 4 and 5 in the Report. These errors have been occasioned by a failure by the Council to provide me with natural justice and a proper opportunity to respond in the review process. For example, had I been given an opportunity to respond, I would have been able to explain that a number of these identified attendances and claims relate to occasions where I was required to drive to the city twice in one day to attend different meetings and where, in these circumstances, my expense claims are legitimate. For this reason again, no further action should be taken in relation to these matters until I am provided with a proper opportunity to respond.

3. At this juncture I am unable to provide a fulsome response to the Report. This is because I have only been given 48 hours to consider and respond to the Report and I have not been given all of the information relied upon in the Report. The Report is 26 pages long, spans a period of approximately 3 years, and refers to and relies upon hundreds of pages of supporting documents. 48 hours is clearly an insufficient amount of time to provide a response. In light of the above, and in accordance with the recommendation made by the Reviewer, no further action should be taken in relation to this matter until I have had been afforded natural justice by way of a proper opportunity to respond.
4. I consider that given a proper opportunity to respond I will be able to satisfy the council that my expense claims have been appropriately made.
5. In this regard, I note that the Review has assessed the overwhelming majority of my expense claims as being without concern, and only a very limited selection of claims as requiring further inquiry or advice. I also note that each of these claims have been approved by the General Manager of Governance at Cardinia Shire Council when made. Furthermore, I note that in the past 4 years that I have been attending meetings as a Board member of the MWRGG and VLGA, and the past 12 years that I have been attending meetings of these organisations as a council delegate, no concern has been raised with me about the expense claims I have made, including those that have now been identified in the Review.
6. I look forward to being provided with a proper opportunity to respond to these matters.