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## POLICY

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# TRAVEL

### Introduction

The Victorian Bar (the Bar) is a member of and takes an active involvement in the operation of national peak representative bodies including the Australian Bar Association, the Law Council of Australia, the Mediator Standards Board and the Australian Centre for International Commercial Arbitration. Collegiality and effective operation of the representative bodies is fostered by active participation, collaboration and cross representation.

It is consistent with the strategic plan of the Bar that the Bar provides leadership and a strong, authoritative voice. To facilitate engagement and maintain the profile of the Bar with national peak representative bodies, government, the legal profession and the community more broadly, the Bar may incur the reasonable expenses of those undertaking representational activities considered to be beneficial and in furtherance of the strategic objectives.

The Bar Council recognises that there may also be occasions when direct engagement with government and the legal profession more broadly is beneficial to the interests of the Victorian Bar. Attendance at a conference or activity of the peak representative bodies or attendance at a conference or activity where the Victorian Bar is requested to attend, make a submission or deliver a paper may also be deemed to be beneficial.

### Purpose

1. This policy establishes consistent guidelines and procedures for all people ('Travellers') incurring expenses when engaged in business travel on behalf of the Bar as approved pursuant to this policy from time to time.
2. Travellers are expected to exercise prudence and good judgement to avoid unnecessary costs.
3. It is expected that business travel on behalf of the Bar approved and undertaken pursuant to this policy would be consistent with, and in furtherance of, the strategic plan of the Bar from time to time.

### Application

4. This policy applies to employees of the Bar, members, volunteers, contractors, guests and all other persons incurring expenses when engaged in domestic and international travel on behalf of the Bar ('Staff') as well as the Executive Director and Bar Councillors.

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### Travel within Australia

## AIR TRAVEL ARRANGEMENTS

5. Travellers are entitled to economy class air travel for flights up to 2 hours duration. Where the flying time exceeds 2 hours, business class travel is permitted.
6. Flights may be upgraded at the Traveller's own cost.
7. Wherever practicable, Travellers should, for domestic purposes, book the lowest fixed economy airfare for the outward bound journey and the lowest flexible airfare for the return journey.

## ACCOMMODATION AND OTHER EXPENSES

8. The Bar will reimburse Travellers for any reasonable accommodation and any reasonable and necessary meals.
9. The Bar will cover actual expenses incurred by Travellers in connection with approved business travel. Expenses included, but are not limited to, the reasonable costs for:
  - a. Essential Bar work-related telephone calls;
  - b. Parking fees;
  - c. Local transportation charges (including taxis, buses and trains);
  - d. Urgent medical treatment.
10. The Bar will not reimburse Travellers for fines incurred for parking infringements or traffic offences.

## APPROVAL PROCESS

11. The Traveller must:
  - a. in the case of travel by the Executive Director in excess of \$1,500, submit their travel request in writing for approval to the President of the Bar Council;
  - b. in the case of travel of Bar Councillors, submit their travel request in writing to the President for approval who will consider the request in consultation with the Executive Director.
  - c. in the case of other travellers, submit their travel request in writing for approval to the Executive Director.
12. Email confirmation of approval will suffice.

### INTERNATIONAL TRAVEL

## AIR TRAVEL ARRANGEMENTS

13. The Bar will reimburse Travellers for business class airfares. However, the Traveller is required to seek the best available fare.

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14. A Traveller seeking to fly a more expensive class will not be reimbursed for the extra expenditure incurred over and above the best available business class fare for that flight.

## ACCOMMODATION AND OTHER EXPENSES

15. The Bar will reimburse the Traveller for reasonable expenses incurred.

These expenses include but are not limited to:

- a. Accommodation;
- b. Meals;
- c. Local transportation charges (including taxis, buses and trains);
- d. Essential telephone calls necessitated by the fact of travel;
- e. Urgent medical treatment.

## ENTERTAINMENT EXPENSES

16. The Bar will pay entertainment expenses where Travellers are required to entertain guests or attend functions in the course of, but not ancillary to, exercising their duties at approved Bar activities.
17. Travellers must obtain approval before incurring entertainment expenses.
18. If approval is not practical prior to incurring entertainment expenses, approval must be obtained prior to the expenses being reimbursed.

## APPROVAL PROCESS FOR INTERNATIONAL TRAVEL

### APPROVAL PROCESS – BAR COUNCILLORS

19. All international travel by Bar Councillors requires approval in writing in advance by the:
  - a. Bar Council; or in circumstances of urgency,
  - b. the Executive of the Bar Council (to be ratified by the Bar Council in due course).
20. All requests for international travel by a Bar Councillor are to be provided to the Bar Council Executive, where possible, at least four weeks prior to the departure date. Any such request must include details of the reason for the international travel, the expected benefits, the estimated cost and how the travel is consistent with their role on Bar Council.
21. In considering whether to approve international travel for Bar Councillors the Bar Council and or Executive of the Bar Council will consult with the Executive Director as to the financial implications and budgetary impact of incurring the expense.

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## APPROVAL PROCESS – EXECUTIVE DIRECTOR

22. All requests by for international travel by the Executive Director are to be lodged in writing with the Bar Council Executive, where possible, at least four weeks prior to the departure date. Any such request must include details of the reason for the international travel, the details of the expected benefits, the estimated cost and how the travel is consistent with their duties at the Bar.
23. All requests received for travel by the Executive Director will be considered forthwith by the President of the Bar Council in consultation with the Bar Council Executive prior to the date of travel. The decision on the request shall be communicated to the Executive Director in writing by the President within a reasonable time prior to the date of departure.

## APPROVAL PROCESS – STAFF

24. All requests by for international travel by Staff are to be lodged in writing with the Executive Director, where possible, at least four weeks prior to the departure date. Such requests must include details of the reason for the international travel, the expected benefits, the estimated cost and how the travel is consistent with their duties at the Bar.
25. All requests received by the Executive Director are to be considered forthwith by the Executive Director prior to the date of travel. The decision on the request shall be communicated to the claimant in writing by the Executive Director within a reasonable time prior to the date of departure.

## REQUEST BY THE BAR

26. From time to time, the Bar Executive or Bar Council (via the Executive Director) may ask a member of the Bar with requisite skills, knowledge and expertise, to attend as the Bar’s representative at an international conference, activity or event as the Bar’s delegate, or to present a paper on behalf of the Bar.
27. The Bar Council or Bar Executive may request this from a member where:
  - (a) The Bar has been requested to attend and considers it would be of benefit to the Bar to send a delegate to represent the Bar; or
  - (b) The Bar has not been invited but considers that it would be of benefit to send a delegate to represent the Bar.
28. Any request made to a member will, where possible, be made at least four weeks prior to the departure date. Members are encouraged but not obliged to accept the Bar’s invitation and should provide a response in a timely manner so that appropriate air travel arrangements or an alternative delegation can be made.

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## REPORT ON TRAVEL

29. In approving travel in accordance with paragraphs 19 to 25 above, the approving body or officer may require the relevant Traveller is to provide, within a reasonable period following their return, a detailed written report of the outcome of the international travel undertaken in accordance with this policy to the approving body or officer.

## ACCOMPANIED TRAVEL

30. The Victorian Bar will not pay additional travel, accommodation and/or meal expenses incurred for any person accompanying a Traveller unless that person has obtained separate approval in accordance with this Policy.

## PROCEDURE

31. Bookings for flights and accommodation for travel approved in accordance with this Policy will be made on behalf of the Traveller by the Executive Assistant to the Executive Director under the supervision of the Executive Director.

## FRINGE BENEFITS TAX FOR AIR TRAVEL

32. The Victorian Bar's Travel FBT Policy is contained in Appendix A.

## PRE-TRAVEL CHECKS

33. Prior to travelling, Travellers should check the destination information for any applicable government requirements and public health directions as at the time of travel.

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## APPENDIX A:

# TRAVEL FRINGE BENEFITS TAX POLICY

### Introduction

This policy outlines the assessment of Fringe Benefits Tax (**FBT**) liability on travel approved by the Victorian Bar (**the Bar**) that includes a private travel component, based on legislative requirements in the *Fringe Benefits Tax Assessment Act 1986* (Cth) (**the Act**).

This policy should be read in conjunction with the Victorian Bar's Travel Policy and Travel and Reimbursement Policy.

### Definitions

#### For purposes of this Policy:

**Dual-Purpose Travel** means travel, which combines both business and private components.

**Travel Diary** has the same meaning as defined in s136(1) of the Act, being a diary or similar documented record of travel, either written or electronic, which includes an entry for each activity undertaken whilst travelling, setting out no less than the following particulars:

1. The **place** where the activity was undertaken;
2. The **date** when the activity commenced;
3. The **duration** of the activity; and
4. The **nature** of the activity.

**Traveller/s** has the same meaning as defined in the Travel Policy.

### Objectives of the policy

The objectives of the policy are to:

- Ensure the Bar's compliance with FBT legislation and Australian Tax Office (ATO) rulings.
- Ensure Travellers are aware of potential FBT liability associated with combining business and private travel.
- Provide guidance to Travellers in respect of when travel FBT costs are levied, and their obligations under the Act.

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### Application

This Policy applies to all Travellers under the Bar's Travel Policy, for either domestic or international travel that includes a private travel component.

### Private Travel

The ATO requires all travel considered Dual-Purpose Travel to be assessed for FBT liability. Travellers may wish to include a private travel component with employment-related travel from time to time, which is a benefit that the Bar provides subject to approval.

### Travel Diary

All Travellers must complete and sign a Travel Diary for all international travel (whether business or private) and domestic travel (not exclusively for business) of more than five (5) consecutive nights including transit time.

A Travel Diary must be provided to the Bar prior to lodgement of an FBT return, together with any ATO declarations as required from time to time. Failing to record activities in a Travel Diary may result in additional FBT liability being incurred.

If the Traveller is unclear on the FBT implications of their travel arrangements and the recording requirements, they can make enquiries with the Bar's Manager, Finance and Membership.

### FBT Liability

The Bar is registered with the ATO to lodge FBT returns and will assist Travellers with lodgement each year. The Traveller is liable to pay for all FBT liability assessed, unless the Traveller elects to contribute 50% of the airfare cost to avoid FBT liability.

Further information in relation to FBT can be accessed via the ATO website.

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