

## Purpose

The purpose of this policy is to:

- Establish the resources, facilities and administrative support to be provided to councillors; and
- Provide for councillors to have out-of-pocket expenses, incurred while performing their official duties, either reimbursed or paid direct by Wodonga Council (the council).

## Objectives

- To fulfil the statutory requirements of section 75B of the *Local Government Act 1989* ("the Act") relating to entitlements for councillors and members of council committees.
- To provide accountability and transparency with councillor entitlements.

## Scope

This policy applies to the Wodonga councillors.

It gives a broad overview of how the council can provide assistance to its councillors in carrying out their role and functions. It does not prescribe for every possible situation that may arise.

The facilities and services outlined in this policy are not available for use by members of a councillor's family, unless otherwise noted in this policy. If a councillor requests that services and / or facilities be extended to include family members, the incremental increase for the family member/s shall be paid by the councillor.

Sections 3, 4, 7, 11 and 12 of the policy also apply to members of special committees of the council, as applicable.

This Policy should be read in conjunction with relevant legislation, including but not limited to the *Local Government Act 1989*, and with the Councillors Code of Conduct, as adopted and/or amended from time to time.

## Definitions

### *Bona fide expenses*

Section 75B(2) of the Act provides that expenses to be reimbursed must be reasonable and bona fide. The basic test to be applied to determine whether or not an expense is bona fide is whether the expense is necessary because it is either supplemental to, incidental to, or consequent on, the exercise of the duties as a councillor.

*Council* means Wodonga City Council, being a body corporate constituted as a municipal council under the Act.

*Councillors* means the persons holding the office of a member of the council, and includes the person elected to the office of mayor.

### *Duties as a councillor*

This is defined at section 75(2) of the Act as “duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial Guidelines or Council policies”.

For the purposes of this policy such duties will include the following:

- Attendance at meetings of the council or its committees;
- Attendance at councillor briefing sessions, meetings, workshops and civic events or functions convened or scheduled by the council, the Mayor or a senior member of the council staff;
- Attendance at conferences, workshops or training programs approved under the council’s Councillor Development Policy;
- Attendance at meetings of community groups, organisations or service authorities to which a councillor has been appointed as the council representative;
- Attendance at a meeting, function or event as a representative of the council or Mayor;
- Attendance at site inspections in relation to a council approval process or council project;
- Responding to communications from constituents concerning council business.

### Partner

Means a Councillor’s spouse, wife, husband, domestic partner or companion.

## **Policy**

Council will provide the following support to councillors in the discharge of their duties.

### 1. Allowances

- 1.1 Allowances will be paid each month, and never more than monthly in advance upon a councillor taking the oath of office and making a declaration that they will abide by the Councillor Code of Conduct.
- 1.2 A councillor can elect not to receive an allowance.
- 1.3 Any personal taxation implications from the receipt of allowances are the responsibility of individual councillors.
- 1.4 In accordance with the provisions contained in Australian Tax Office Interpretive Decision 2007/205, the council may enter into a voluntary arrangement with a councillor under which the councillor agrees to forego all or part of their councillor allowance, including mayoral allowance if applicable, in exchange for the council making contributions to a complying superannuation fund nominated by the councillor and agreed to by the Chief Executive Officer (CEO).

### 2. Motor vehicles

- 2.1 If required by the incumbent, the Mayor will be provided with a fully maintained motor vehicle for official council purposes and for limited private use.

- 2.2 Private use is defined as travel within Victoria or within 200 kilometres of Wodonga. The Mayor will reimburse the council for private use of the vehicle outside of the above parameters in accordance with the per kilometre rate in the *Victorian Local Government Authorities Award 2001*.
- 2.3 If the Mayor's vehicle is used for business purposes, other than council business, the Mayor will reimburse council for this travel in accordance with the per kilometre rate in the *Victorian Local Government Authorities Award 2001*.
- 2.4 The Mayor's partner, provided he or she is a licensed driver, may drive the mayoral vehicle at those times when the Mayor is in the vehicle.
- 2.5 If the mayoral vehicle is required in the case of an emergency or one off usage by the partner or children of the Mayor, when the Mayor is not in the vehicle, this use should be notified to the CEO at the earliest opportunity.
- 2.6 The Mayor will be responsible for the cleanliness of the mayoral vehicle.
- 2.7 In addition a council pool vehicle will be available to assist councillors with their civic duties.
- 2.8 Where the Mayor or a councillor is on a long trip or feels for whatever reason that they may be impaired by fatigue, and if there are other licensed drivers in the car, they are encouraged to share the driving load.
- 2.9 The Mayor may elect to use his or her own vehicle for duties as the Mayor and be reimbursed for these bona fide expenses on a monthly basis at an annualised rate determined by the CEO. The rate will be determined on a case by case basis dependent on the type of vehicle to be used and will not exceed the cost which would otherwise be incurred by supplying a Mayoral vehicle.
3. Travelling expenses
  - 3.1 The council will meet the reasonable travel costs associated with councillors travelling for official council purposes, as approved by the CEO, and within the limits of the budget approved by the council.
  - 3.2 The mode of transport is to be determined by the CEO based on the most cost and time effective form of transport and adhering to OH&S principles.
  - 3.3 Where use of a council or hire vehicle is impractical, councillors may use their own vehicle and be reimbursed in accordance with the per kilometre rate in the *Victorian Local Government Authorities Award 2001*.
  - 3.4 It is expected that all travel will be by the most direct route, and vehicles are shared where more than one councillor attends the same function.
  - 3.5 Overseas travel for councillors must be approved by council resolution at a public council meeting.
  - 3.6 Councillors will be given the option to travel in business class for all international flights of more than six hours duration, subject to such travel being approved at clause 3.5.
  - 3.7 Any expenses from breach of road, traffic, parking or other regulations or laws, will be the responsibility of the councillor concerned and will not be reimbursed by the council.
4. Other expenses

Other reasonable and bona fide expenses incurred by councillors incidental to fulfilling their council duties such as:

  - Accommodation
  - Attendance at community functions

- Meals and refreshments
- Car parking fees and cab charges
- Registration fees

shall be paid by the council or reimbursed upon lodgement of all receipts or proofs of expenditure.

The cost of attending fundraising activities of political parties will not be met.

### 5. Partners

Councillors are responsible for any expenditure related to a partner, spouse, companion or family member accompanying a councillor to civic or community functions, business trips, seminars and conferences.

If a partner, spouse, companion or family member wishes to accompany a councillor this should not be booked through the council. The Chief Executive Officer or delegate will consider requests which may require assistance for logistical reasons. Any costs incurred by the person accompanying the councillor will not be funded by the council.

### 6. Information Technology

Any equipment or resources, including but not limited to information technology, remain the property of the council. Any person who ceases to be a councillor must immediately cease to use any equipment or resources. All equipment and resources must be returned within seven days of the expiration of a councillor's term in office, retirement or resignation. Resources include all confidential electronic or hardcopy material obtained in a person's capacity as a councillor.

#### 6.1 Councillors will be provided with appropriate IT equipment for their term in office.

The level of equipment will be standardised for all councillors for support and network compatibility at a level equivalent to that provided to the CEO.

The exact equipment provided to councillors may depart from that outlined in this policy due to changing technology or individual councillor needs. Where the equipment provided to councillors differs from this list, these changes will be approved by the CEO after consultation with the Mayor and relevant councillors.

The primary function of this equipment is for council purposes and not for business / personal use.

Council has an Information Technology directive and guidelines which will be handed to each councillor at the time that the equipment is made available.

### 6.2 Laptop / iPad

Council will make available suitable broadband technology to enable email, calendaring and access to relevant council documentation. Either a laptop or iPad (or similar tablet) will be provided.

### 6.3 Personal Digital Assistant

Councillors will be provided with an iPhone or similar for use as a mobile phone and for electronic processing of mail when off site. It is the council's expectation that the iPhone be used for all council business calls, rather than a landline.

Council will meet the purchase, initial set up, maintenance costs, connection fees, rental charges and all council business call charges for the iPhone. All accounts for such equipment will be in the name of the council.

Council telephones, mobile phones, email and internet facilities are for business use. Private use of these services must be kept to a minimum.

Similarly, the use of downloaded polyphonic ring tones, screen-savers, Java applets, PCT pictures, Pocket News, phone covers, SMS competitions, MMS, and games will be at the cost to the councillor unless specifically work related.

## 7. Child or Special Care

7.1 The council will reimburse the cost of carer expenses necessarily incurred by councillors for their immediate family, of children up to and including the age of 16 years or, in special circumstances adults, while a councillor is performing his or her duties.

7.2 Reimbursement is however, subject to the following conditions:

- a. The maximum hourly rate a councillor will be reimbursed for child care expenses is \$26 per hour or such other amount approved by the CEO. The maximum hourly rate a councillor will be reimbursed for adult care expenses is \$30 per hour or such other amount approved by the CEO.
- b. Reimbursement will be on the basis of tax invoices and receipts submitted or in the case of informal arrangements a statement of hours, cost, dates, times and purpose for which the child care was provided. The councillor shall include a supporting statement showing why the care was needed on each occasion.
- c. Carer costs are not eligible for reimbursement if paid for caring by a person who is immediate family (e.g. partner, mother/father, sister/brother or sister in law/brother in law) or normally or regularly lives with the councillor, except where a live-in (professional) helper such as a nanny is required to work extra time at extra expense because of the councillor's duties.
- d. Reimbursement for the care of adults may be provided as above where the councillor is the carer for an adult and the CEO has determined that special circumstances exist.

- 7.3 Claims for reimbursement should be submitted on a monthly basis consistent with the council's payment cycle.
8. Legal costs
- 8.1 If a councillor requires legal advice in connection with his or her duties as a councillor:
- a. he or she may submit a Notice of Motion requesting that the council facilitate and fund such legal advice; or
  - b. the CEO may facilitate such legal advice and confirm that the council will pay for it, if it is:
    - appropriate to do so taking into the consideration the criteria in clause 8.2; and
    - the councillor requirement for legal advice cannot be deferred until the lodgement or consideration of a Notice of Motion. Any decision by the CEO to approve legal advice will be reported to the next public council meeting.
- 8.2 Council will evaluate any requirement by a councillor for legal advice against the following criteria:
- a. the extent to which the subject-matter of the advice required relates to the councillor's duties as a councillor;
  - b. the extent to which the subject-matter of the advice required relates to a matter before the council or the councillor's representative role as a councillor;
  - c. the extent to which the subject-matter of the advice required will or is likely to be of interest to all councillors;
  - d. the public interest; and
  - e. any other relevant considerations.
- 8.3 In the event that legal advice relates to a writ, action or pending action against a councillor or councillors, the councillor or councillors must supply a copy of the writ or action or provide the information which may lead to an action, to the CEO, who will advise the council's insurers as soon as possible, in accordance with the council's insurance policy conditions.
9. Other support for councillors
- Council will provide the following support facilities for councillors. The facilities are provided for use by the councillor in conduct of his / her duties of office. All equipment provided shall remain the property of the council, and shall be returned within two weeks of retirement or termination of office.
- 9.1 Mayor's Office
- A separate office is provided for the Mayor for use to carry out his / her duties.
- 9.2 Councillors' room
- The councillors' room is reserved for exclusive use by councillors and provides office furniture, telephone, and access to the council computer network. It is suitable for small meetings. Other council meeting rooms can be used, subject to availability, and should be booked through the CEO's Executive Assistant.

### 9.3 Stationery

The council shall, upon request, provide councillors with standard stationery held or obtained generally for the organisation's requirements. The stationery may include, but not necessarily be limited to: paper, business cards, writing implements, diaries, writing pads, envelopes and the like.

Council stationery is not to be converted or modified in any way and must only be used for carrying out the functions of the civic office (not to be used for election, business, or personal purposes).

Councillors will be entitled to post, through the council mailing system and utilising the council supplied stationery, any items which relate to the council business (this does not include election related material).

### 9.4 Photocopying

A photocopier is available for photocopying directly related to council business.

### 9.5 Secretarial support

Secretarial support will be made available to councillors for work directly related to the duties of the office.

### 9.6 Name badges

Each councillor will be provided with a name badge for use while on council business. Badges will be replaced as required.

### 9.7 Meal refreshments

Where meetings or functions are held at times which extend through normal meal times, the council will provide suitable meals / refreshments served on the premises.

### 9.8 Cabcharge

Each councillor will be provided with a "Cab-Charge" credit card (if requested) for use in the payment of taxi services for council purposes.

### 9.9 Building access and parking

Each councillor will receive a key fob to provide access to the council offices, including access to the first floor office and lounge areas, and the council chamber.

Each councillor is entitled to use a parking space in the northern car park, next to the ramp entrance.

### 9.10 Councillors' welfare

Councillors may approach the CEO with regard to any specific guidance, counselling or coaching that may be required to enhance their performance as a councillor. The Councillor Development Policy provides further information in this regard.

Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a councillor are able to seek counselling

on a confidential basis through the council's Employee Assistance Program (EAP). Councillors are eligible to access the EAP by calling 1300 687 327. Further details on the EAP is available from the CEO.

### 9.11 Councillors with disabilities

For any councillor with a disability, the council will provide reasonable additional facilities and support to enable that councillor to perform their civic duties.

### 10. Limitations

In accordance with the Election Period Policy, councillors must ensure that benefits contained within this policy are not used as part of any election campaign.

If a councillor does not claim a particular expense or use a particular facility, this cannot be offset against a claim for an additional amount of some other expense or facility.

In instances where a councillor attends a meeting of a community group, organisation or statutory body to which the councillor has been appointed the council delegate or is authorised by the council, the contribution or reimbursement by the council shall be diminished by the amount those bodies pay the councillor.

This policy presumes that councillors are residents of the municipal district, and any additional costs or expenses attributable to a councillor's residence being outside the municipality are considered inappropriate for reimbursement unless approved by council at a public meeting before the expense is incurred.

Expenses for attendance by councillors at conferences, seminars, forums, delegations or similar events should be read in conjunction with the Councillor Development Policy.

### 11. Reimbursement of expenses

Expenses will be paid or reimbursed subject to the councillor applying in writing and confirming that the expenses were reasonable bona-fide out-of-pocket expenses (form attached as Attachment A). A copy of all receipts for services / costs should be attached.

### 12. Reporting

Expenditure approved under this Policy will be reported in the council's Annual Report. This will promote accountability and transparency and also meet the requirements of Regulation 14(2)(db) of the *Local Government (Planning and Reporting) Regulations 2014* requires that the Annual Report include details of the expenses for each councillor, categorised separately as;

- Travel and accommodation expenses;
- Meals and refreshments;
- Car mileage expenses;
- Childcare expenses;
- Information and communication technology expenses; and



- Conference and training expenses.

All claims should be made within 30 days of the date of the service to ensure equitable reporting of expenses.

## Attachments

Councillors' and committee members expense claim form

## Related policies

Councillor Development Policy  
Election Period Policy  
Councillor Code of Conduct

## Related legislation

*Local Government Act 1989*  
*The Victorian Charter of Human Rights and Responsibilities Act 2006.*

## References

*Recognition and Support, the Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources, April 2008.*

*Information Guide: Mayor and Councillor Entitlements – reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors, Department of Planning and Community Development, November 2008.*

## Review

The council may review this policy at any time but unless otherwise requested at least every four years. Ideally the four yearly review will occur within the first 12 months of a new council. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

<b>Title:</b>	Councillor Support and Expenses Policy
<b>Reference No:</b>	CP07/00113
<b>Business Unit:</b>	Governance
<b>Category:</b>	Policy
<b>Version:</b>	Five
<b>Approved By:</b>	Council at its meeting of July 17, 2017
<b>Next Review:</b>	July, 2021

**Attachment A**

**Councillors' and committee members expense claim form**

Name .....

Date	Nature of claim expense *	Details	Amount
		Total expenses	

I certify that the above claim are my reasonable and bona fide expenses as provided for under section 75 and section 75A (as applicable) of the *Local Government Act 1989* and that I have attached supporting evidentiary documentation.

Signed: ..... Date: .....

- \* Claim nature is one of the following:
- Meals and refreshments
  - Training and education expenses
  - Travel expenses
  - Carer expenses
  - Other expenses

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OFFICE USE ONLY

Approved Yes / No

Signed: ..... Date: .....

Chief Executive Officer or delegate