



Councillor Expenses and Entitlements Policy 2024

1. PURPOSE

The purpose of this policy is to:

- establish the process for reimbursement of Councillors' reasonable bona fide out-of-pocket expenses incurred while performing duties of a Councillor
- ensure that Councillors have access to professional development, support and resources
- provide the facilities, resources and support Council considers necessary or appropriate to assist Councillors in the performance of their duties
- establish the process for reporting the costs incurred and the value of any reimbursements to the community in a timely manner to promote transparency and accountability.

2. BACKGROUND

Section 39 of the *Local Government Act 2020* (the Act) provides for payment of annual allowances to Mayors and Councillors in accordance with a determination of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. In addition, Councillors are to be provided an amount equivalent to the superannuation guarantee.

Under the Act, Councillors are entitled to resources and facilities support, and reimbursements of expenses related to their duties as a Councillor. Section 41 of the Act requires Council to adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. Section 40 of the Act provides for the reimbursement of reasonable bona fide out-of-pocket expenses incurred while performing the duties of a Councillor or member of a delegated committee.

This policy is designed to give effect to the legislative requirements under the Act.

3. SCOPE

This policy applies to all councillors elected to the Wyndham City Council.

Where required for clarification purposes, this policy is intended to apply based on the Mayoral year and not the calendar year.

4. POLICY STATEMENT

This policy supports councillors and members of delegated committees to perform their role, as defined under the Act by ensuring that expenses reasonably incurred in carrying out their roles, responsibilities, duties and powers are reimbursed.

This policy is not intended to prescribe for every possible situation that may arise. Should a situation arise that is not adequately covered by this policy, the matter will be referred to the Mayor and CEO for determination.

This policy should also be read in conjunction with other relevant Council policies adopted from time to time, including but not limited to the Model Councillor Code of Conduct and specific policies and procedures regarding the use, security and maintenance of Council equipment.

5. DEFINITIONS

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|----------------------------|---|
| Act | means the <i>Local Government Act 2020</i> |
| Allowance | means the Councillor allowance as defined under section 39 of the Act |
| CEO | Chief Executive Officer of the Wyndham City Council |
| Carer | as defined by the <i>Carers Recognition Act 2012</i> |
| Delegated Committee | Delegated committees are defined under section 63 of the Act |

6 POLICY

6.1 Mayor and Councillor Allowances

Under Section 39 of the Act a Mayor, Deputy Mayor or Councillor is entitled to receive an allowance in accordance with the Determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

Section 39(5)(c) of the Act states that a Mayor, Deputy Mayor or Councillor may elect to receive the entire allowance adopted by Council or a specified part of the allowance or may elect to receive no allowance.

A Mayor or Deputy Mayor is not entitled under section 39(3) to receive an allowance as a Councillor in addition to the Mayoral or Deputy Mayoral allowance.

If a Councillor is appointed to act as Mayor for a continuous period exceeding 50 days, the acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance for that period.

6.1.1 Superannuation

The value of the allowance payable to a Council member is inclusive of any Superannuation Guarantee Contribution amount, or equivalent, that may be payable under Commonwealth law.

6.2 Travel Expenses

6.2.1 Mayoral Vehicle

The Mayor can elect to make use of a Council vehicle which is fully maintained by Council for official and personal use during the Mayoral term. The Mayoral vehicle is fully maintained to the standard specified in Council's Motor Vehicle Policy, which outlines safety and environmental requirements. A fuel card and hands-free mobile phone kit (if required) can be provided as part of the Mayoral vehicle package. The Mayoral vehicle should be used in preference to other less cost-effective forms of transportation, such as Cab charge. The Mayoral vehicle is to be returned to the CEO or delegate, at least 48 hours prior to the conclusion of the Mayoral term.

If the Mayor elects to use their own car, the following will apply:

- the Mayor is responsible for all maintenance of their vehicle
- a fuel card will be provided
- the Mayor is responsible for insuring their own vehicle, and it is encouraged to advise their insurer that their vehicle is being used for private and non-private purposes
- Council will not be responsible for any damage, loss or breakdown that occurs whilst private vehicles are being used for Council purposes
- Council will not cover or contribute to any insurance excess that may be payable.

6.2.2 Public Transport

- Use of public transport is encouraged for local travel. Councillors will be reimbursed costs associated with the cost of public transport tickets used in conducting Council business.

6.2.3 Use of Taxis and Ride Share Services

- Taxis or ride share services should be considered where public transport is not practicable or where transport is required at an interstate or international location, particularly when the numbers attending do not make the use of a hire vehicle financially efficient. Vehicles can be hired where the travel is interstate or international and the hire of the vehicle matches the needs of the situation, with the emphasis on using the least expensive vehicle that is practical for the purpose.
- Councillors have access to Cab Charge vouchers for use in the payment of taxi services associated with the performance of their duties as a Councillor, at the discretion of the CEO. Cab charge vouchers are to be fully completed, including details of the reason for the journey.
- Where taxis or ride share services are used for Council business, the associated receipts are required to be submitted as part of the reimbursement process.

6.2.4 Use of Council vehicles

- Where practicable, and by prior arrangement through the CEO, a Council vehicle may be made available to Councillors for travel outside the municipality where use of private vehicles or other means of transport is inconvenient or impractical. The requirements of Council's fleet policy apply if a Councillor uses a Council vehicle.

6.2.5 Tolls

- While travelling on Council business in metropolitan Melbourne, Councillors may incur tolls including those associated with the use of CityLink or EastLink. Councillors may seek

reimbursement of costs associated with tolls including the use of CityLink or EastLink passes or those transactions incurred as part of existing personal e-tags accounts. Claims must be accompanied by copies of receipts or accounts detailing the individual transactions.

6.2.6 Car parking

- Car parking fees incurred while conducting Council business will be reimbursed upon presentation of original receipts and relevant details regarding the purpose, date and time of the meeting or function. Credit card statements are not enough proof of car parking use if a receipt is not provided. In the absence of a receipt a Statutory Declaration would be required.
- Carpooling is encouraged when several Councillors are attending the same meeting. It is recommended that Councillors seek the lowest cost options when choosing paid parking facilities.

6.2.7 Infringement Notices

- A Councillor will not be reimbursed the cost of any infringement incurred for road, traffic or parking violations.

6.3 Car Mileage Expenses

- Councillors are encouraged to consider whether it is appropriate to use their private vehicle and to consider carpooling and public transport before deciding to use their private vehicles to carry out official duties such as attending meetings, conferences, seminars or inspections outside of the municipality.
- If Councillors do use their own vehicle, they may be reimbursed travel expenses on a per kilometre basis for travel outside the municipality only. Reimbursement must be submitted within 30 days of travel and will be in accordance with the rates outlined in the current Wyndham City Council Enterprise Bargaining Agreement.
- Councillors undertaking private travel arrangements in conjunction with any travel for the purpose of their duties as a Councillor are required to specify and pay for these expenses separately and maintain appropriate records.

6.4 Information and Communication Technology Expenses

- Councillors will be provided with appropriate communications equipment to ensure they can adequately and efficiently perform their role as a Councillor, which as a minimum can include:
 - A mobile phone fit for purpose
 - A laptop computer
 - An internet connection (currently an allowance of \$90 per month is paid for the connection)
- The make, model and specifications of any communications equipment, the associated contract or plans, and the replacement of any communications equipment shall be at the discretion of the CEO or their delegate.
- Council provided communications equipment is to be used for Council related business activities, however it is acknowledged that, on occasion, reasonable personal use may be made of communications equipment.
- All equipment remains the property of the Council and must be returned at the end of a

Councillor's term of office or upon retirement/resignation of the Councillor.

- Council will review Councillors' communications equipment and will update equipment at the commencement of each electoral term and at any stage during the electoral term where the CEO deems an update is appropriate and/or the current equipment is no longer fit for purpose.
- As all communications equipment issued to Councillors at the commencement of their term is considered fit for purpose, should a Councillor wish to alter their equipment at any time throughout their term, this will only be considered in exceptional circumstances. Approval will be required from the CEO and any additional costs to do so will be highlighted against the Councillor's expenses and reported accordingly.
- Councillors will not be reimbursed for costs associated with internet access.

6.5 Training and Professional Development

Council strongly supports the development and enhancement of skills required by Councillors to assist in fulfilling their responsibilities as elected representatives. Councillors will be required to undertake mandatory training and ongoing professional development as prescribed by the Act and discretionary training and professional development as appropriate.

6.5.1 Induction training

Newly elected Councillors shall be supported in their role through a comprehensive induction program as soon as possible after an election. Induction training will include the prescribed matters outlined in the *Local Government (Governance and Integrity) Regulations 2020* and will include roles and responsibilities of Councillors and the Chief Executive Officer, policies in relation to interaction between Councillors and Council staff, the standards of conduct, governance principles as well as specific issues affecting the Wyndham City Council.

As required by section 32 of the Act, a Councillor must complete Councillor induction training within four months after the day the Councillor takes the oath or affirmation of office.

In accordance with section 33(1) if a Councillor fails to take or complete Councillor induction training and fails to make a written declaration as required by section 32(3) the Councillor's allowance will be withheld until the Councillor has completed induction training and made the written declaration.

6.5.2 Regular Professional Development Training of Councillors

Sections 33A and 33B of the Act also require a Councillor to complete professional development training annually to ensure that they understand their role and responsibilities.

If a Councillor fails to complete the professional development training and make a written declaration, the Councillor's allowance will be withheld until the Councillor completes the professional development training and makes a written declaration.

6.5.3 Mayor and Deputy Mayor Training

Section 27A of the Act requires the Mayor and any Deputy Mayor to complete Mayoral training within one month of their election as Mayor or Deputy Mayor. An Acting Mayor must undertake the training within one month of their appointment.

If a Mayor, Deputy Mayor or Acting Mayor fails to complete the Mayoral training and make a written declaration, the Councillor's allowance will be withheld until the Councillor completes the training and makes a written declaration.

6.5.4 Discretionary Professional Development

Councillors are offered other opportunities to participate in professional development courses, seminars and activities in a variety of areas of professional and personal development. The Council also offers the opportunity of participating in programs provided internally and by local government peak bodies, private organisations and educational institutions.

As Council strongly supports Councillors to undertake professional development activities that assist them to perform their duties, Councillors will commit to attending and successfully completing all scheduled activities. Council will only pay for the above sector events and courses if they are attended for no less than 75% of the scheduled time (or 100% if this is an attendance requirement), unless emergency circumstances such as illness for family emergencies occur. If a pattern of non-attendance emerges, the Mayor and CEO may decide to limit access to these events and courses and possibly require the Councillor to meet the training costs.

The cost of discretionary professional development for each Councillor during the Council term will be subject to approval by the Mayor.

A register of Councillor attendance at conference, seminars and training sessions will be kept and available for public viewing, upon request.

6.5.5 Councillor Study Assistance

Councillors will be provided with study assistance to support them in their role and develop their skills in areas directly related to their duties as elected community representatives. This includes the reimbursement of course and administration fees relevant to the study being undertaken.

The following applies to applications for study assistance:

- applications for study assistance will be assessed by the Mayor and the CEO
- the Councillor must be able to show that the study is relevant to their current duties as a Councillor
- the study being undertaken must form part of a formal qualification in an industry recognised subject and be conducted by an accredited educational institution (e.g. University, TAFE Institute or Registered Training Organisation)
- examples of formal qualifications are Certificate I to IV, Diploma, Advanced Diploma, Bachelor Degree, Graduate Certificate, Graduate Diploma, Masters Degree or Doctorate
- the Councillor can apply for reimbursement of up to 50% of course and administration fees
- to be eligible for reimbursement, the Councillor must be awarded an unconditional pass by the institution for the period of study. Where an unconditional pass is not attained, no reimbursement will be made. The Councillor must be willing to provide assessment results to Council.
- The Councillor must provide copies of receipts for all costs incurred as part of the reimbursement claim
- compulsory HECS-HELP fees will not be reimbursed

- study leave is not applicable to councillors
- fee reimbursement will only apply for courses undertaken while the Councillor is in office. Should a Councillor not be re-elected, any study completed prior to the election will be reimbursed.

6.5.6 Mentoring support for Councillors

Separate to discretionary professional development and study assistance outlined above, the CEO may from time to time and arising from a specific need/event, approve one on one professional mentoring for a Councillor. The mentoring is not of an ongoing nature or a significant cost. Costs for mentoring will be included in the quarterly Councillor Expense report to Council.

6.6 Conferences and Seminars

- Where a Councillor nominates to attend a conference, workshop or professional development opportunity to improve skills relevant to their role as a Councillor (other than mandatory professional development), the CEO and Mayor will review and approve the relevance of professional development.
- Unless a decision is made that all Councillors attend a session, the number of Councillors attending any one professional development session will be confined to a maximum of three Councillors or more at the discretion of the Mayor and CEO, for example attendance at the National General Assembly of Local Government.
- To determine which Councillor(s) attend any specific conferences, functions and seminars the Mayor and CEO will consider:
 - The relevance of the topics to Wyndham City
 - The identified professional development needs of the Councillor
 - The time commitment required to attend
 - Any similar professional development which has been undertaken by the Councillor
 - The cost of the conference, function, seminar
 - The identified specific interest area of the Councillor
 - The role of the Councillor on specific advisory committees and in advocacy roles
 - That the opportunity to attend conferences, functions and seminars is to be shared amongst the Councillors.
- For overseas meetings, conferences, seminars, professional development or engagements a report including all relevant material must be prepared and tabled at a Council meeting within two months following attendance.
- Council will make the payment of registration fees, the main conference seminar dinner, if not covered by the registration cost, together with all meals and drinks, within reasonable limits, for the duration of the conference or seminar and appropriate accommodation.
- Any additional accommodation costs incurred by the attendance of partners and/or children shall be borne by the Councillor.
- If a Councillor wishes to extend their accommodation after the conference has ended, they will be required to pay for accommodation expenses at their own cost.

6.7 Stationery

Council will provide Councillors with standard stationery items. The stationery may include, but not necessarily be limited to:

- business cards
 - name badge for use while undertaking Council business
 - writing implements; and
 - writing pads
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- Requests for stationery should be made via the Councillor support staff who will prepare an order requisition, which will be authorised by an appropriate officer, and an order will be placed to obtain the goods/services as soon as possible.
 - Approval for supply of materials under this section will have regard to reasonable levels of supply commensurate with the duties of Councillor.
 - Where a request is made for reimbursement of expenses incurred under this section, Council may reimburse an amount less than the amount claimed where the actual expense incurred is considered unreasonable, considering the estimated costs to Council to purchase similar goods.

6.8 Professional Membership Subscriptions

Professional memberships that are reasonable bona fide out of pocket Councillor expenses include:

- Australian Institute of Company Directors
 - Victorian Local Governance Association
 - Australian Local Government Women's Association
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- Other individual memberships, professional associations or subscriptions which are considered demonstrably beneficial to Council or the performance of the duties of a Councillor may be reimbursed subject to approval by the Mayor and CEO.
 - In circumstances where a membership extends beyond the current term of the Councillor, membership fees will only be funded in proportion to the remainder of the term.

6.9 Printing

In line with its *Environment and Sustainability Strategy 2016-2040*, Council is continually seeking to reduce its carbon footprint. One key factor contributing to this footprint is the volume of paper and toner consumed by Council. Accordingly, Council provides all Councillors with electronic access to Council Meeting Agendas and other documents.

Councillors have access to use the printing facilities at the Civic Centre if they require hard copies of documents. Also, each Councillor will be reimbursed for printing costs related to Council business. An expenses reimbursement form and receipts are to be submitted for all such printing expenses including toner and paper.

A hard copy printing allowance of \$800.00 per annum, per Council term is available for Councillors who wish to:

- purchase a printer
- purchase paper and toner to print documents and information.

6.10 Childcare Expenses

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role in accordance with s.41(2)(c) of the Act.

This applies to the care of a dependent, while the Councillor or delegated committee member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.

Childcare/family care costs must be substantiated by a receipt or tax invoice from the caregiver showing the dates and times the care was provided, with the Councillor to demonstrate why the care was required on each occasion.

Payments for carer services will not be made to a person who resides with the Councillor or delegated committee member; has any financial interest with the councillor or delegated committee member; or has a relationship with the Councillor, or delegated committee member or their partner.

6.11 Carers Expenses

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor or delegated committee member who is a carer (see definitions) incurs reasonable expenses in the performance of their duties in accordance with s.41 (2)(d) of the Act.

Payments for carer services will not be made to a person who resides with the Councillor or delegated committee member; has any financial interest with the councillor or delegated committee member; or has a relationship with the Councillor, or delegated committee member or their partner.

6.12 Attendance at Civic Functions, Meetings and Events

Councillors will be invited to attend civic functions, meetings and events during the Council term. Invitations will be accepted where the Councillor has been invited in their capacity as a Councillor and there is a clear link to Wyndham and Council business. When attending such events:

- Council will pay the cost of a Councillor's spouse/partner attending when a Councillor is invited to an event in their official capacity and where representation by the Councillor is required. When attendance is optional Council will not pay the cost of a Councillor's spouse/partner attending.
- Subject to the above, where a Councillor's spouse/partner attends a civic function, Councillors are entitled to have paid by Council, or reimbursed, their spouse or partner's:
 - registration fees; and
 - reasonable costs for meals and refreshments.
- All expenses related to attendance will be reported as part of Council's quarterly expenses report to Council.

6.13 Administrative Support For The Mayor And Councillors

The level of administrative support provided to the Mayor and Councillors to assist them to perform their duties will be determined by the CEO.

6.14 Insurance/Workers Compensation Cover

Councillors are covered under the following Council insurance policies while discharging, in good faith, the duties of the civic office including attendance at meetings of external bodies as Council representatives:

- Public Liability
- Professional Indemnity
- Councillors' and Officers' Liability
- Personal Accident Insurance (accompanying partners are also covered)
- Workers Compensation Cover.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from actions taken in good faith in relation to Council business where a claim is accepted by Council's insurers..

In accordance with section 43A of the Act, Council is prohibited from indemnifying Councillors for legal costs incurred by a Councillor as a result of:

- an application for internal arbitration that alleges misconduct under section 143 of the Act; or
- an application for a Councillor Conduct Panel to be convened that alleges serious misconduct under section 154 of the Act

unless the arbiter or Councillor Conduct Panel considers that representation is necessary to ensure that the process is conducted fairly.

6.15 Councillors with Illness or Disabilities

Council, following advice from the CEO, may resolve to meet reasonable additional expenses to assist a Councillor with an illness or disability to perform his/her duties as a Councillor, following appropriate guidance from a medical professional.

6.16 Working With Children Check

Wyndham City Council is committed to safeguarding children under the age of 18 while enabling their participation as valued members of our community. We recognise the importance of child safety in the provision of quality community services. All children and young people who attend services, programs, events, and community spaces have a right to feel safe, be safe, and be heard. We are committed to maintain a child safe environment, and value a culture of safety within Council and its operations.

On this basis, all Councillors will be required to have a valid Working with Children Check (WWCC).

Council will reimburse the costs for Councillors obtaining a WWCC Card and those who are required to renew their WWCC Card.

6.17 Miscellaneous Support and Expenses

Councillors must advise Councillor Support officers of any additional meetings and events in advance to ensure their diary is up to date.

- Councillors are provided with a security card enabling appropriate business access to the Civic Centre, Council Chamber and function rooms, Councillors lounge and meeting room (as appropriate).
- Councillors, via their security card, will have access and the ability to use printing and scanning equipment associated with their role as a Councillor.
- A suitably equipped Mayoral office shall be provided within the Civic Centre.
- A suitably equipped Councillors' room shall be provided at the Civic Centre for use by Councillors.
- Where Council briefings or meetings are held at times which extend through normal mealtimes, Council will provide suitable meals served on the premises.

6.18 Other Expenditure Not Specified

- Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where Council resolves that a claim is a reasonable bona fide expenditure.
- At the approval of the Mayor and CEO, a Councillor may be reimbursed for reasonable bona fide out-of-pocket expenses incurred while performing duties as a Councillor in circumstances not provided for elsewhere in this Policy.
- A Councillor must not request payment or reimbursement for expenses relating to their:
 - private business
 - private employment
 - election campaign.

7. PROCEDURE

- Reimbursement claims are to be submitted on the required form to Councillor Support staff.
- Claims should be accompanied by original receipts/tax invoices for any expenses claimed which clearly identify the name of the payee and ABN where applicable.
- If receipts cannot be produced, Councillors may be required to provide a statutory declaration.
- Claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed, is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor.
- Councillors are required to submit claims within one month of expenditure being incurred to ensure transparency and timely accountability and reporting.

8. MONITORING, EVALUATION AND REVIEW

Quarterly reports detailing all Councillor and delegated committee member expenses will be provided to Council, and the Council's Audit and Risk Committee.

The report will include:

- expenses incurred by Councillors during the quarter
- reimbursements made by Councillors during the quarter

This policy will be subject to regular review to ensure it remains compliant with legislative requirements and relevant to the needs of Councillors.

REFERENCES

External reference material:

- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Gender Equality Act 2020*
- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020*

Wyndham City Council reference material:

- Model Councillor Code of Conduct
- Environment & Sustainability Strategy 2016-2040
- Councillor Study Assistance Policy 2013
- 2023 Wyndham Integrated Transport Strategy

VERSION HISTORY

| ID | DATE | AUTHOR | REVISION REASON / KEY CHANGES | REVIEW DATE |
|-----|------------|------------------------|-------------------------------|-------------|
| 1.0 | 11/05/2009 | Coordinator Governance | New policy | 2011 |
| 2.0 | 27/06/2011 | Coordinator Governance | Revision | 2013 |
| 3.0 | 24/06/2013 | Coordinator Governance | Revision | 2018 |
| 4.0 | 03/04/2018 | Coordinator Governance | Revision | 2020 |
| 5.0 | 07/07/2020 | Coordinator Governance | Revision | 2024 |
| 6.0 | 17/12/2024 | Coordinator Governance | Revision | 2027 |

DOCUMENT CONTROL

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| REVIEW | 2027 |
| APPROVER | Council |