

## Councillor and Delegated Committee Support and Expenses Policy

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Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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## 1. Policy Objective

This policy supports Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020 (Vic)*, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed.

The objective of this policy is to define the:

- the type and level of resources that shall be provided to Councillors and members of delegated committees to assist in the performance of their role;
- the provision of a vehicle to the Mayor;
- the expenses that Council shall reimburse a Councillor or a member of a delegated committee for;
- transparency and accountability protocols that shall govern the provision of these resources; and
- approval process for funding of Councillor attendance at events and training and development.
- policy background and scope.

### 1.1 Background

Required pursuant to s.41 of the *Local Government Act 2020*.

### 1.2 Scope

The policy applies to Macedon Ranges Shire Councillors and to members of Council's delegated committees as indicated:

- Councillors: all sections of this policy apply.
- Members of Delegated Committees: sections 3.1, 3.2, 3.3, 3.4 6.1, 6.4, 6.5, 6.6 and 7 apply.

All sections in this policy should be read together with the duties of a councillor as described in section 3.4.

This policy aligns with the requirements of the *Local Government Act 2020 (LGA 2020)* and responds to the Local Government Inspectorate report – Councillor expenses and allowances: equitable treatment and enhanced integrity; the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019; the *Local Government Amendment (Governance and Integrity) Act 2024 (LGAA 2024)* and the Local Government (Councillor Remuneration Review) Panel Report published in January 2008—specifically the Guidelines for the reimbursement of expenses and resources and facilities support for Victorian Mayors and Councillors (the Guidelines).

## **2. Legislative Context**

### **2.1 Local Government Act 2020**

Sections 40, 41 and 42 of *LGA 2020* provide for:

- the reimbursement of expenses of Councillors and members of a delegated committee;
- the requirements for Council's expenses policy, and
- the provision of resources and facilities for the Mayor and Councillors.

## **3. Principles**

Four key principals set out the guidelines for managing expenses relating to Councillors, Members of Delegated Committees and Council's Audit and Risk Committee. These are:

- Integrity
- Encouraging diversity in participation, equity and access
- Accountability and transparency
- Reasonableness and appropriateness

### **3.1 Integrity**

Section 123 of *LGA 2020* provides that a Councillor (or member of a delegated committee) must not intentionally misuse their position to gain (or attempt to gain, directly or indirectly) an advantage for themselves or any other person; or to cause, or attempt to cause, detriment to the Council or another person.

### **3.2 Encouraging diversity in participation, equity and access**

This policy encourages participation in the local government democratic process as it ensures that Councillors, and members of delegated committees, in the performance of their duties, will be supported in their role; and will not be financially or otherwise disadvantaged.

Reimbursement of bona fide expenses shall be applied in a non- discriminatory way and used in an equitable manner to cater for the full participation of all Councillors in Council business and with their communities, while also recognising individual needs and circumstances. Councillors work with a wide range of constituents and need to be accessible and stay informed.

Bona fide expenses reasonably incurred by Councillors in the performance of their duties and the provision of resources, so as to prevent disadvantage, are to remain separate to the provision of the annual Councillor Allowance.

### **3.3 Accountability and transparency**

The reimbursement of bona fide expenses and the details and range of benefits provided to the Mayor, Deputy Mayor and Councillors by the Council should be clearly stated, fully transparent and acceptable to their local community. Council will ensure that specific provisions that relate to the examining and reporting of the reimbursement of expenses for Councillors, Delegated Committee members and Audit and Risk Committee members in the *LGA 2020* are met e.g. Councillor allowances are published in the Annual Report.

In accordance with Council's Public Transparency Policy, documents to be made available to the public include a register of travel undertaken by Councillors and Council staff.

It is not appropriate for Council to provide for general expenses and/or allowances that are unrelated to actual expenses incurred and which could be designed to supplement Councillors' annual allowances entitlements under *LGA 2020*.

### **3.4 Reasonableness and appropriateness**

Councillors and members of a delegated committee should be reimbursed adequately for bona fide expenses reasonably incurred in the performance of their respective roles (*LGA 2020* Section 40).

These would generally include, but are not limited to, the following activities:

- meetings of the Council, a delegated committee, its advisory boards, advisory or consultative committees;

- meetings, briefing sessions and civic or ceremonial functions convened by the Mayor or Council or a delegated committee;
- meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as Council representative or is authorised by Council to attend in their role as a Councillor;
- meetings, functions or other official role as a representative of the Mayor or Council or a delegated committee;
- other meetings, inspections, community forums or events attended by a Councillor in the course of their duties as a Councillor; and
- conferences, seminars, events and professional development being undertaken by a Councillor.

It is acknowledged that incidental private use of Council resources and facilities may occur from time to time and that such incidental private use should not be reimbursed.

## 4. Allowances

Mayors, Deputy Mayors and Councillors will be provided with an annual allowance, pursuant to section 39 of *LGA 2020* and in accordance with the determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and *Improving Parliamentary Standards Act 2019*. The allowance framework, set by the State Government, provides for a multi-level structure based on Council population and total revenue. The maximum allowances are reviewed and adjusted annually.

Allowances are taxable income and are paid monthly in advance. Personal taxation and superannuation implications are the responsibility of individual Councillors.

In accordance with Section 30 of the *Local Government Amendment (Governance and Integrity) Bill 2024 (LGAA 2024)* if a Councillor is stood down their allowance will be withheld. If that Councillor is not convicted their allowance will be reinstated and any back pay provided.

## 5. Resources, facilities and support

The following supports are provided to assist the Mayor, Deputy Mayor and Councillors in the performance of their roles.

## **5.1 Administrative Support**

Administrative support e.g. diary management assistance, preparation of correspondence and meeting coordination, shall be determined by the Chief Executive Officer (CEO) in consultation with the Mayor.

## **5.2 Administrative areas and meeting rooms**

Councillors wishing to access staff-only administration areas of Council are to be accompanied by a Council Officer.

All Councillors will have reasonable access to meeting rooms in Council facilities in all major townships.

## **5.3 Stationery**

Council shall, upon request, provide Councillors with necessary stationery up to a value of \$60 per year.

## **5.4 Provision of printed materials**

Consistent with Council's environmental and sustainability goals, all documentation related to Councillors fulfilling their roles will be provided electronically, using Council's secure systems.

Printing materials on request of Councillors will be charged a fee per printed page, deducted from individual training allowances, and requires approval. Printing costs and approval processes are outlined in the Councillor and Delegated Committee Member Expense Claim Procedure document.

## **5.5 ICT devices, vehicles and support**

### **5.5.1 Hardware and email**

All Councillors shall be provided with hardware to perform their duties as a Councillor as per the specification in the Councillor Information Technology List. Councillors shall also be issued with a Macedon Ranges Shire Council log in and email address. All use of information technology devices shall be in accordance with Council's ICT Acceptable Use Policy.

### **5.5.2 Support (Help Desk and Training)**

Support for Councillors to set up their Council provided IT resources and day to day trouble shooting assistance and requests for assistance are provided by Council's Information Services Service Desk Staff.

### **5.5.3 Mobile phone**

A mobile phone and phone number shall be issued to assist Councillors to perform their duties. The make, model and style of the mobile phone shall be determined by the Councillor Information Technology List, based on current telecommunications plans and offers available to Council and in consultation with the Councillor. Usage shall be restricted to the Councillor to whom the phone has been assigned and the assigned Councillor shall be responsible for all usage incurred on the mobile phone.

Councillors shall take care to safeguard all personal or Council information stored on mobile phones so as it cannot be accessed by other persons. Mobile phones shall be subject to Council's ICT Acceptable Use Policy. Mobile phones shall be kept in secure locations when not in use.

Councillors may use Council provided mobile phones for incidental private use.

Councillors shall seek the approval of the CEO prior to taking Council equipment on overseas travel. All associated cost of overseas usage will be the responsibility of the Councillor.

### **5.5.4 Equipment return**

Council equipment shall be returned to Council within five working days of the cessation of the Councillors' term of office (election day) or if a person ceases to be a Councillor.

Equipment provided to Councillors remains the property of Council and will not be available for sale or transfer to Councillors at the cessation of the Councillors term of office by default.

## **5.6 Mayoral Vehicle / Transportation**

Council will support the Mayor through the provision of a vehicle, for full private use in line with Council's Vehicle Policy (noting fringe benefit taxes do not apply). or through the reimbursement of Council business vehicular travel costs in line with this policy.

The annual cost of a vehicle will be determined by the Coordinator of Fleet and Store Services. This cost will represent the total annual operating cost for this vehicle, or the maximum reimbursement of Council business vehicular travel costs (i.e. submitted kms claims) per 12 months if the Mayor chooses not to be provided with a Council vehicle for full private use as above.



## **5.7 Training and Development**

### **5.7.1 Councillor**

Council identifies the training needs of Councillors and ensures that they have access to an induction program and ongoing training and professional development program compliant with section 42 of *LGAA 2024*, section 32 of *LGA 2020* and section 33A of *LGAA 2024* throughout their term.

Councillors must seek approval for training and professional development activities in writing from the CEO and outline the benefits and reasons for attendance. The reasoning should have a direct correlation to performing the role of Councillor. Such activities could involve seminars, conferences and more formal study courses.

Council will provide a maximum of \$8,000 per term per Councillor for Training and Development Activities. All approved costs related to training and development activities, including but not limited to training, conferences, seminars, development opportunities, individual memberships as well as accommodation and catering associated with training/conferences/seminars, will be recorded against the Councillors per term allowance. This allowance will not be utilised for induction training or group training opportunities.

The procedure for claiming expenses is outlined in the Councillor and Delegated Committee Member Expense Claim Procedure document.

The total cost of a training and development activity including fees, accommodation, travel or other general costs where known should be included in a single application to the CEO for approval.

The CEO will consult with all Councillors to identify training and development opportunities that best support their individual need Councillors across the Council term.

### **5.7.2 Mayoral training**

Council will ensure the Mayor and Deputy Mayor receive mandatory Mayoral training in accordance with *LGAA 2024* section 27A. This mandatory training will be funded by the organisation separately to Councillor training allowances.

### **5.7.3 Group Training**

During the term of Council, the CEO may, in consultation with Councillors identify group opportunities inclusive of sessions which involve strategic planning.

## **5.8 Employee Assistance Program**

The Employee Assistance Program that is offered to all Council staff will be extended on the same basis to all Councillors.

## **6. Reimbursement of Expenses**

In line with the principles underlying this policy the reimbursement of bona fide expenses incurred while performing duties as a Councillor or as a member of a delegated committee shall be applied in a non-discriminatory way recognising individual needs and circumstances and ensuring a Councillor or delegated committee member is not financially or otherwise disadvantaged.

Councillors and members of delegated committees are entitled to be reimbursed for the following expenses while performing duties as a Councillor or as a member of a delegated committee.

The procedure for claiming expenses is outlined in the Councillor and Delegated Committee Member Expense Claim Procedure document.

### **6.1 Private Vehicle Use**

Councillors and members of delegated committees are entitled to be reimbursed for reasonable travel expenses incurred in the use of their private vehicle (including electric vehicles) when acting in their role as a Councillor or Committee Member.

Reasonable travel expenses for councillors include travel to and from:

- Council Meetings, Councillor Briefing Sessions, meetings of a delegated committee of Council, civic functions;
- meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed the Council delegate;
- site inspections or meetings; and
- any meeting or other activity which the Councillor attends in performing duties as Councillor.

Reasonable travel expenses for a member of a delegated committee includes travel to and from a meeting of the delegated committee.

All mileage claims will be from each Councillor's or delegated committee member's notified place of residence and when submitted on the Claim Form shall be reimbursed, in accordance with the rate specified by the Commissioner of Taxation.

Vehicle travel that exceeds 600km (for one event/trip in total) requires approval from the CEO.

In any financial year a Councillor or delegated committee member may only claim a maximum of \$8,000 pursuant to this section.

## **6.2 Attendance at Events When Performing Duties as a Councillor**

During the term of Council, it is expected that Councillors, especially the Mayor, may need to attend events representing Council.

Approval for Council to fund a Councillor's or the Mayor's attendance at an event should be sought from the CEO prior to confirming attendance. The request should outline the benefit and reasons the approval is being sought. Councillors can still make claims for reimbursement of travel and incidental costs consistent with sections 6.1, 6.2, and 6.4 of this policy, without prior approval.

Support under this section does not extend to events that Councillors attend outside of their formal role as a councillor, nor to events which are more appropriately considered training and development, and belonging to that category of support.

## **6.3 General Expenditure**

General expenditure provides for miscellaneous expenditure directly related to the performance of duties as a Councillor or member of a delegated committee. General expenditure may include such expenses as the purchase of food and refreshments; car parking and public transport tickets; professional in-home care fees, i.e. nanny, baby-sitter; child care centre fees; hourly carer fees; care agency booking fees (if claimed); and reasonable travelling expenses to and from the place of care (if claimed by the carer).

General expenditure items submitted on the Claim Form require a tax invoice (or statutory declaration if not available) including name and address of the supplier and details of the goods or services supplied.

## **6.4 Submission and Approval of Claims**

All claims for reimbursement shall be fully substantiated and details lodged on the Claim Form which must be lodged within 60 days of the claim.

The Councillor and Delegated Committee Member Expense Claim Procedure document outlines the process for the submission and approval of Claims.

## **6.5 Costs Not to be Reimbursed**

### **6.5.1 Fines, Damage and Theft**

Any expenses arising from a breach of road, traffic, parking or other regulations or laws or for damage or loss of a vehicle will not be reimbursed or funded by Council.

### **6.5.2 Costs not related to Councillors or Members Performing their Duties**

Where it is determined by the CEO that a claim for costs is not related to the performance of the duties of a Councillor or member of a delegated committee, these will not be reimbursed.

### **6.5.3 Costs Related to Spouses for Specified Activities**

The payment of travel, accommodation or any other expenses for spouses, partners or accompanying persons attending a conference will not be borne by Council.

## **6.6 Authorisation**

The CEO, unless otherwise resolved by Council, is authorised to approve the organisation funding Councillors' attendance at training and development or confirming attendance and payment for events on criteria that ensure:

- the attendance is in the community interest and reflects the identified needs of the Councillor;
- equity and fair and reasonable access to all Councillors to training and development, noting that events will generally be attended by the Mayor in the first instance; and
- a quorum of Councillors is available to attend to the normal business of the Council.

## **6.7 Exceptions for Interstate and Overseas Travel**

Interstate and overseas travel by a Councillor in an official Council business capacity must be recorded in a register and a report presented to Council within one month of returning.

Additionally overseas travel for a Councillor must be presented to a Council Meeting for approval prior to the travel.

## 7. Reporting to Council

Council will comply with the reporting requirements of section 40(2) of the *LGA 2020* for the expenses of Councillors, Delegated Committee members (e.g. Councillor allowances are published in the Annual Report).

## Definitions

| Term                          | Definition  |
|-------------------------------|---|
| The Act                       | The Local Government Act 2020.  |
| Councillors                   | Elected Councillors whose term of office has not yet expired.   |
| Duties as a Councillor        | Duties performed by a Councillor that are necessary and appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies. |
| Family member                 | A spouse or domestic partner of the person; or<br>A son, daughter, mother, father, brother or sister that regularly resides with the person.  |
| Member of Delegated Committee | Any Council-appointed member to a Delegated Committee (s.63 of the Act).  |
| Claim Form                    | Councillor and Delegated Committee Member Expense Reimbursement Claim Form.   |
| Childcare recipient           | A child up to and including the age of 16 years   |
| LGA 2020                      | Local Government Act 2020   |
| LGAA 2024                     | Local Government Amendment Act 2024   |

## References

- Local Government Inspectorate report, Councillor expenses and allowances: equitable treatment and enhanced integrity.

- > Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- > Local Government (Councillor Remuneration Review) Panel Report Recognition and Support.
- > The Victorian Government's Policy Statement on Local Government Mayoral, Councillor Allowances and Resources – April 2008.

## Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

## Related Policies

- > Councillor Code of Conduct
- > Vehicle Policy
- > ICT Acceptable Use Policy
- > Procurement Policy
- > Public Transparency Policy

## Related Legislation

- > *Local Government Act 2020 (LGA 2020)*
- > *Local Government Amendment (Governance and Integrity) Act 2024 (LGAA 2024)*
- > *Local Government (General) Regulations 2015*

## Related Procedures

- > *Councillor and Delegated Committee Member Expense Claim Procedure*