



Councillor Support & Expense Policy

Purpose

Council must adopt and maintain a Council Expense Policy under section 41 of the *Local Government Act 2020* (the Act). This policy gives effect to the requirements outlined in section 41, 42 and 43 of the *Local Government Act 2020*.

Governance Principles

Section 9 of the the Act specifies the overarching governance principles and supporting principles that Council must adhere to in the performance of its role and functions.

This policy gives effect to the following overarching governance principles outlined in Section 9(2) of the Act:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- Innovation and continuous improvement is to be pursued;
- Collaboration with other Councils and Governments and statutory bodies is to be sought;
- The ongoing financial viability of the Council is to be ensured;
- Regional, state and national plans and policies are to be taken into account in making strategic planning and decision making;
- The transparency of Council decisions, actions and information is to be ensured.

This report also takes into account the following supporting principles defined in Section 9(3) of the Act:

- The community engagement principles (Community Engagement Policy);
- The public transparency principles (Public Transparency Policy);
- The strategic planning principles;
- The financial management principles; and,
- The service performance principles.

Definitions

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

ATO means Australian Taxation Office.

Carer is defined under section 4 of the *Carers Recognition Act 2012*.

Council means Baw Baw Shire Council.

Councillor means a current elected representative of Baw Baw Shire

Delegated Committee means a Delegated Committee as defined under section 63 of the *Local Government Act 2020*.

Expenses means costs incurred by Councillors performing their duties as a Councillor.

Hospitality means refreshments, finger food or a meal of a reasonable and appropriate standard, not including alcohol, except where exemptions are made in this policy.

Refreshments means tea, coffee, non-alcoholic beverages, and a light meal such as may be considered suitable for morning tea.

Regulations means any regulation provided by the Minister for Local Government which relate directly or indirectly to this policy.

The Act means the Local Government Act 2020

Scope

This Policy applies to all elected Councillors of Baw Baw Shire while holding the office of Councillor and to all members of Delegated Committees.

Legislative context

- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Local Government Amendment (Governance and Integrity) Act 2024*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*
- *Gender Equity Act 2020*

Related policies and documents

The Model Councillor Code of Conduct and Council's:

- Corporate Card Policy
- Fleet Policy
- Governance Rules

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- Public transparency Policy
- Travel Policy

Policy Principles

The objectives of this policy are to:

1. Support Councillors to perform their duties without disadvantage through the reimbursement of bona fide expenses reasonably incurred in the performance of the role of Councillor; and
2. Ensure the details and range of benefits provided to Councillors by Council is clearly stated and fully transparent to the community.

Policy Detail

1. Councillor Allowances

- 1.1. Mayoral, Deputy Mayoral and Councillor allowances are determined by the Victorian Independent Remuneration Tribunal and are legislated under s39 of the *Local Government Act 2020*.
- 1.2. Payment will be made monthly by electronic funds transfer into an account authorised by the Councillor.
- 1.3. The value of the allowance payable to a Councillor is inclusive of any Superannuation Guarantee Contribution amount.
- 1.4. Under s39(5) of the Act, a Mayor, Deputy Mayor or Councillor may elect:
 - to receive the entire allowance to which they are entitled
 - to receive a specified part of the allowance to which they are entitled; or
 - to receive no allowance.

2. Councillor Induction

- 2.1. Councillors will be supported in their role with a comprehensive Councillor Induction Program.
- 2.2. If a Councillor fails to participate fully and complete the Councillor Induction Training Program within the specified timeframe and does not make a written declaration in front of the Chief Executive Officer (CEO), as required by s32(3) of the Act, an allowance of a Councillor may be withheld until these actions by the Councillor are completed.

3. Remote Area Travel Allowance

- 3.1. If a Councillor resides more than 50 kilometres by the shortest practicable road distance from the location specified for Council Meetings, they are eligible to claim the Remote Area Travel Allowance, which is set and indexed by the Victorian Independent Remuneration Tribunal.

4. Child Care and Carer expenses

- 4.1. 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.
- 4.2. The cost of care for a dependent child, or a person who is in a care relationship pursuant to section 4 of the Carers Recognition Act 2012, may be claimed by a Councillor or Delegated Committee member where the child or person who requires care:
- resides in the Councillor's or Delegated Committee member's household and the Councillor or Delegated Committee member is the primary carer; or
 - is a person in respect of whom the Councillor or Delegated Committee member is entitled to a Commonwealth Carer Payment or Allowance.
- 4.3. Care is to be provided by a registered care provider unless the CEO is satisfied that exceptional circumstances apply.
- 4.4. Payment for provision of childcare or carer services will not be made to any person who resides with or is immediately related to the child or Councillor/Delegated Committee member, or has any financial interest with the Councillor/Delegated Committee member.
- 4.5. Where care is provided by a registered care provider, Council will reimburse the amount on the official tax invoice.
- 4.6. Care that is not provided by a registered care provider will be based on the current market rate and is subject to review.

5. Councillors with Disabilities

- 5.1. For any Councillor or Delegated Committee member with a disability, Council will provide reasonable additional facilities and support in order to allow that Councillor to perform their civic duties.

6. Resources, Facilities and Support

- 6.1. Council will provide Business cards and Name badges for Councillors,
- 6.2. Council will provide High Visibility Vests for Councillors to use for onsite inspections during their term of office and will consider requests for provision of any other Personal Protective Equipment that may be required by Councillors.
- 6.3. In keeping with Council's commitment to the implementation of the Child Safe Standards, any costs associated with a Councillor obtaining a Working with Children Check can be reimbursed.
- 6.4. Any requests for reimbursement of expenses not covered by this policy can be made in writing to the CEO.

7. Councillor Office

- 7.1. The Councillor Office at 33 Young Street, Drouin can be booked for use by Councillors.

8. Insurance

- 8.1. Councillors are covered by the following Council insurance policies on a 24-hour, 7-day a week basis, while performing eligible Council Business and discharging the duties of civic office:
 - Council's workers compensation insurance,
 - Councillors and Officers Liability Insurance, and
 - Travel insurance for interstate and international travel.
- 8.2. Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from eligible Council Business where any claim is accepted by Council's insurers, whether defended or not.

9. Legal Costs

- 9.1. Council must indemnify and keep indemnified each Councillor against all actions or claims whether arising during or after their term of office in accordance with s43 of the Act.
- 9.2. S43A of the Act specifies that Council must not indemnify a Councillor for legal costs incurred by the Councillor because of an application for Internal Arbitration or application to Councillor Conduct Panel.

10. Information and Communication Technology Expenses

- 10.1. Councillors will be provided with the following standard equipment to allow them to effectively carry out their duties:
- Mobile Phone with internet connectivity,
 - Tablet or Laptop with internet connectivity, or both by written request to the Chief Executive Officer,
 - Access to a printer within the Councillor Office for small amounts of printing.
- 10.2. As part of Council's Sustainability Strategy, printing is encouraged to be kept to a minimum.

11. Loss or Damage

- 11.1. Care must be taken in the custody and use of all Council equipment. Any loss or damage of equipment must be reported immediately to the Manager Governance.
- 11.2. Depending on the circumstances as to the loss or damage, Councillors may be asked to contribute to the replacement or repair of the equipment.

12. Provisions for the Mayor

- 12.1. Administration Support is available to the Mayor during business hours. The Governance Officer – Mayor and Councillor Support will assist with calendar management, correspondence and other administrative tasks as required.
- 12.2. A Corporate Card with a transaction and daily limit set at no more than \$500 will be made available to the Mayor for use while discharging the functions of the Civic Office. Use of a Corporate Card will be in accordance with the Corporate Card Policy.
- 12.3. Council will provide at its cost to the Mayor a fully registered, insured, maintained and fuelled vehicle for use by the Mayor when conducting Council Business. The vehicle is not for private use. The vehicle type and usage shall be in accordance with Council's Fleet Policy.

13. Professional Development

- 13.1. All Councillors must undertake annual professional development as required by the *Local Government (Governance and Integrity) Regulations 2024*. Council will arrange annual professional development opportunities to ensure legislative compliance.
- 13.2. Whilst some training is provided by Council in-house or arranged through professional bodies, it is important that Councillors have opportunity to attend other relevant training to further develop their understanding of the many issues faced within local

government. Accordingly, Councillors may elect to undertake their own professional development, including conferences, workshops, or short courses.

- 13.3. Attendance by any Councillor at any local or interstate meetings, conferences or training up to a total cost to Council of \$2,500 may be approved by the CEO.
- 13.4. Total expenditure by a Councillor on professional development, conferences, workshops, and associated accommodation must not exceed \$5,000 in any given financial year, with the exception of approved Australian Institute of Company Directors (AICD) training.
- 13.5. Attendance by a Councillor at local or interstate meetings, conferences or training where the total cost exceeds \$5,000, or where the total expenditure incurred by that Councillor in the financial year will exceed \$5,000, must be subject to approval by Council Resolution.
- 13.6. Councillors must firstly submit to the CEO details of the proposed expenditure, including course proposed, estimate of costs, and purpose of attendance.
- 13.7. Where a conference, seminar, or event requires interstate travel, a maximum of two Councillors will be approved for attendance at the same interstate conference, seminar, or event, on a 'first come, first served' basis. Any additional requests to attend the same event will require a resolution of Council.
- 13.8. Where a course extends beyond the Councillor's term of office, Council will only pay the fees and associated costs relating to the current term of office.
- 13.9. Councillors must provide a written report back to Council at the next available Council meeting following the attendance of any individual Professional Development on the benefit to the individual Councillor and the Baw Baw Community, for publication in the Council Meeting Minutes.
- 13.10. No Councillor will be eligible to undertake the AICD course in the final year of a Council term.

14. Professional Memberships

- 14.1. Council will, on request, organise and pay for councillor memberships of peak Australian local government bodies including, but not limited to the:
 - Victorian Local Governance Association;
 - Australian Local Government Association;
 - Australian Local Government Women's Association.
- 14.2. Reimbursement will be on a pro-rata basis where a membership extends beyond the current term of the Councillor.

15. Travel and Transport

General Provisions

- 15.1. Travel must be undertaken by the most cost-effective and practical route.
- 15.2. The standard form of travel outside the state of Victoria will be economy class air. If a Councillor or Delegated Committee member chooses instead to use their own vehicle for interstate travel, the maximum amount for which they are entitled to be reimbursed is equivalent to the combined cost of:
- The cheapest available return airfare between Melbourne Airport and the destination;
 - Private vehicle return travel between the person's residence and Melbourne Airport; and
 - The cheapest available parking at Melbourne Airport for the duration of the travel period.
- The exceptions to this clause are where the intended destination does not have a co-located airport and it is more practicable to travel by vehicle.
- 15.3. Any overseas travel must be approved by a resolution of Council.

Council Vehicles and Parking

- 15.4. If it is assessed as the most practical means to attend a location to conduct Council related business, with CEO approval, a vehicle from the Council motor vehicle pool may be provided for use by a Councillor or a group of Councillors.
- 15.5. Councillors can seek reimbursement of parking and toll charges by completing a reimbursement claim and attaching the appropriate tax invoice.

Private Vehicle Use

- 15.6. Councillors using their private vehicles to carry out official duties as a Councillor will be reimbursed at the Australian Tax Office mileage reimbursement rate.
- 15.7. Travel expense claims must be submitted monthly on the approved platform. Councillors may claim travel costs under the following circumstances:
- To attend Council meetings and meetings of committees of Council;
 - To attend formal briefing sessions and civic or ceremonial functions convened by the Council or Mayor;
 - To attend meetings scheduled by Council or the Mayor;

- To attend meetings necessary for the Councillor to exercise a delegation given by Council;
- To attend a meeting, function or other official role attended as a representative of the Council or Mayor;
- To attend meetings of a group, organisation or statutory authority to which the Councillor has been appointed Council delegate. The reimbursement by Council is to be diminished by however much the body pays travelling expenses directly;
- To attend to inspect a street, property or area (or to discuss with any person) any matter affecting or affected by the Council, and/or to attend to carry out activities in the capacity of a Councillor;
- To attend meetings of any Council appointed committee or any incorporated charity or community organisation, as a representative of the Council; and
- To attend meetings, or to participate in delegations or deputations to which the Councillor has been appointed as a representative by Council, the Chief Executive Officer or Mayor.

Public Transport

15.8. Council will reimburse public transport costs incurred when undertaking Council business, (or make available a Myki card).

15.9. Where it is not possible or convenient to use public transport or a private motor vehicle, a taxi or Uber can be used by Councillors for travel required for their official duties as a Councillor. Travel of a private nature will not be reimbursed or paid by council.

16. Accommodation

16.1. The Mayor and Councillor Support Officer will coordinate booking and payment for Councillor accommodation when required. Four-star accommodation is generally considered reasonable.

17. Meals and Refreshments

17.1. Council will provide Councillors with suitable meals and refreshments where Council meetings and briefings or other scheduled Council business extends through normal mealtimes or over an extended period.

- 17.2. Councillors attending approved conferences or seminars, or appointed by Council, or requested by the CEO to attend conferences and seminars may have meals reimbursed by Council in accordance with Council's Travel Policy.
- 17.3. Alcoholic drinks will not be reimbursed by Council.

18. Civic and Community events

- 18.1. Councillors will be supported to attend civic and community events and functions when performing their Council role, subject to the requirements and limitations set out in this Policy.
- 18.2. A partner or guest may accompany a Councillor to conferences and functions where other attendees are generally accompanied by partners. The functions will generally involve luncheons or evening activities. Requests for payment for spouse/partner or additional guests at functions requires approval of the CEO.

19. Claiming Expenses

- 19.1. Claims must be lodged within seven days of the end of each month.
- 19.2. Late claims will not be accepted except where the CEO is satisfied that exceptional circumstances apply.
- 19.3. Where the provider of the goods or service is registered for GST a tax invoice must be obtained and provided.
- 19.4. An expense claim must be:
- made on the appropriate online platform or the approved expense reimbursement form; and
 - accompanied by original proof of expenditure such as receipts or tax invoices (credit card receipts will not be accepted).
- 19.5. In any case where a Councillor is unable to provide a tax invoice of costs incurred, a statutory declaration may be accepted by the CEO. Appropriate and sufficient reasoning for being unable to produce a receipt must be provided by the Councillor and it will be at the CEO's discretion whether a statutory declaration will be accepted.
- 19.6. Reimbursements will be provided monthly by electronic funds transfer.

Monitoring and Review

A report of all Councillor and Delegated Committee member expenses is regularly provided to the Audit and Risk Committee in accordance with the Audit and Risk Committee Charter.

Councillor expenses and allowances are included in Council's annual report. Additionally, Council publishes expense reporting on its website quarterly.

This policy will be reviewed once per Council Term and is not limited to further reviews within the Council Term. The policy does not require community engagement but is required to be adopted by formal Resolution of Council.

Approval date	19 August 2020
Approval authority	Council
Effective from	20 March 2025
Review term	Council Term
Next review date	March 2029
Responsible position	Manager Governance
Responsible Director	Director Governance and Information Services
Version	2

Revision History

Approval date	Version	Revision description
19 August 2020	1	Policy as adopted by Council
26 March 2025	2	<p>Inclusion of Governance principles and various formatting changes in accordance with updated policy template.</p> <p>Update to section 1 - Councillor Allowances section in accordance with the Victorian Independent Remuneration Tribunal.</p> <p>Addition of section 2 - Councillor Induction.</p> <p>Update to section 3 - Remote Area Travel Allowance in accordance with the Victorian Independent Remuneration Tribunal.</p> <p>Expansion of clauses under section 4 - Child Care and Carer Expenses.</p> <p>Removal of provision of general stationery</p>

		<p>Addition of clause 6.4 – Working with Children checks as a reimbursable expense.</p> <p>Inclusion of mandatory professional development.</p> <p>Inclusion of provision of a laptop or tablet, or both via written CEO approval.</p> <p>Addition of clause 13.7 & 13.8. Change of expenditure at meetings, conferences or training to up to \$2,500 with CEO approval, halved from \$5000.</p> <p>Inclusion of 13.9, compulsory written report on training to be included in Council Meeting minutes.</p> <p>Addition of 13.10 – no Councillor will be eligible to undertake the AICD course in the final year of a Council term.</p> <p>Addition of section 14 – Professional Memberships</p> <p>Addition of clause 15.2 limiting interstate travel by private vehicle.</p> <p>Addition of clause 17.1 relating to provision of meals and refreshments.</p>
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