

CP 15 Councillor Resources and Reimbursement Policy

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Purpose

This policy supports Councillors and members of Delegated Committees to perform their role as defined under Section 40 of the *Local Government Act 2020* (the Act) by ensuring that expenses reasonably incurred in the performance of their role are reimbursed.

The policy also provides guidance on the process for reimbursement of expenses and reporting requirements.

The policy is intended to ensure that Councillors and members of Delegated Committees are supported to perform their duties without disadvantage.

Policy Objective

This policy ensures that Councillor reimbursement of expenses and Councillor allowances are consistent with and in accordance with the Act and its Regulations, and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the Council.

Section 39 of the *Local Government Act 2020* (the Act) provides for allowances payable to the Mayor and councillors, and Section 40 for reimbursement of out of pocket expenses to councillors and members of Delegated Committees performing Council business.

In recognition of the special role of Mayor, the policy provides for the provision of some additional facilities and expenditure specific to the Mayoral office.

The Policy is consistent with the Victorian Government's Information guide for the Reimbursement of Expenses and Provision of Resources and Facilities Support for Victorian Mayors and councillors.

Principles

The fundamental test to be applied in determining whether or not a councillor expense is appropriately incurred and whether the expenditure is necessary, supplementary or incidental to, or consequent on, the exercise of Council duties.

Official duties of a councillor are defined for the purpose of this policy 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.

Under section 40 of the Act, Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that:

- are bona fide expenses
- have been reasonably incurred in the performance of their role
- are reasonably necessary to perform that role.

Councillor expenses are those expenses necessarily incurred by Councillors for the purpose of Council business.

Council business can be reasonably defined as:

- Attending Council meetings, Council Committee meetings, formal briefing sessions and civic or ceremonial functions convened by the Council, the Mayor or the Chief Executive Officer.
- Attending meetings or workshops scheduled by the Council, the Mayor or the Chief Executive Officer.
- Attending a meeting or function as the nominated representative of Council or the Mayor.
- Attending meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed as the Council delegate or the nominated representative of the Council.
- Attendance at site inspections or meetings relevant to a matter which is, or is anticipated to be, the subject of a decision of Council.
- Attending conferences as an attendee and/or speaker as Council's nominated representative or delegate and which:
 - are consistent with the Council's Objectives
 - will cover or present material with application/importance/relevance to current or future issues faced by the Council
 - are within the Councillor's annual budget allocations for the provision of training, conferences and seminars.

Expenses incurred by councillors when acting in a private capacity will not be reimbursed or paid.

Any costs incurred by a councillor which are not covered specifically within the policy will not be met, unless the councillor has received prior written authorisation from the Chief Executive Officer.

Reimbursement claims will not be processed without appropriate supporting evidence.

Expenses must be claimed no later than three months following the occurrence of the expense. Claims outside this timeframe will not be considered.

Councillors should at all times seek the most cost effective and economical option when conducting Council business.

Councillors must not use Council provided materials and/or facilities for election purposes. This applies to their own candidature or in assisting the candidature of others.

Procedure

1. Councillor and Mayoral Allowances

The *Victorian Independent Remuneration Tribunal* is responsible for setting the limits and ranges of Mayoral, Deputy Mayor and Councillor allowances and the allowance category for each Council.

The allowances are set based on the council's category, with Category 1 councils having lower allowances than Category 3 councils.

Any personal taxation implications from the receipt of allowances are the responsibility of individual councillors.

1.1 Councillor Allowance

Councillor allowances are paid monthly in advance before the last day of the prior month.

1.2. Mayor and Deputy Mayor Allowance

The Mayoral and Deputy Mayor allowance is paid monthly in advance before the last day of the prior month.

The Mayor and Deputy Mayor are not entitled to receive an allowance as a councillor if they receive a Mayoral allowance.

If a councillor is appointed by council resolution to act as Mayor/Deputy Mayor for a continuous period exceeding 50 days, the acting Mayor/Deputy Mayor may be paid a Mayoral allowance instead of a councillor allowance for that period.

1.3. Remote Area Allowance

In line with the recommendations from the *Victorian Independent Remuneration Tribunal* the remote area travel allowance is equal to \$48.90 per day for eligible Mayors, Deputy Mayors and Councillors, up to a maximum of \$6,112.50 per annum.

Where a councillor (including a Mayor) normally resides more than 100 kilometres (round trip) by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary, special or committee meetings of the Council or any municipal or community functions which have been authorised by Council resolution for the councillor to attend, he or she shall be entitled to be paid an additional allowance.

1.4. General

Section 39(5) of the Act states that Councillors have the discretion to elect to receive the entire allowance to which they are entitled, part of the allowance, or no allowance.

1.5. Superannuation Guarantee Equivalent

Mayoral and councillor allowances are subject to the addition of the equivalent of the superannuation guarantee.

2. Civic Support, Facilities and Equipment

2.1. Home and Workplace Facilities

Each councillor is entitled to the following home/workplace facilities:

- a laptop and specified accessories
- access to internet, email, and Council Meetings, Delegated Committee meetings and Councillor Assembly agendas and minutes from the lap top
- access to a printer and photocopier at the Benalla Civic Centre.

The quality and type of facilities and equipment will be at the discretion of the Chief Executive Officer on advice from the Manager Facilities and Information Technology.

The Council will pay all charges associated with the use of the technology devices for Council related business.

Councillors must adhere to the policies for security, maintenance and use of equipment.

The above facilities remain the property of the Council and must be returned within seven days of the cessation of a councillor's term of office.

2.2. Insurance

The Chief Executive Officer will ensure that policies of insurance are maintained in accordance with the provisions of the *Local Government Act 2020* and the *Workplace Injury Rehabilitation and Compensation Act 2013* to provide the relevant protections to councillors while performing their duties as a councillor.

2.3. Facilities for the Mayor

2.3.1. Mayoral Vehicle

A fully maintained vehicle including all associated costs such as servicing, fuel and insurance will be provided to assist the Mayor to carry out their duties and for private use during the Mayoral term.

The Mayoral vehicle will be managed in accordance with the Council's *Motor Vehicle Fleet Management Policy*.

2.3.2. Mayoral Regalia

Mayoral regalia is available for the Mayor on request, for use at official civic events.

2.3.3. Office Accommodation

Appropriate office accommodation will be provided at the Civic Centre to assist the Mayor perform their role.

2.4. Civic Entertainment and Hospitality

2.4.1. Meeting and Function Rooms

Subject to availability, meeting/function rooms owned and controlled by the Council can be booked by councillors, free of charge, for meetings, interviews and other functions provided they are associated with Council business.

2.4.2. Civic Hospitality

All formal civic entertainment functions will be coordinated by the Executive Coordinator and must have prior approval of the Chief Executive Officer.

2.4.3. External Hospitality

Councillors will be reimbursed reasonable expenses incurred while entertaining visiting dignitaries or Council business guests on behalf of the Council, including the reasonable cost of drinks accompanying a meal. The Chief Executive Officer must give prior approval to any such entertainment.

2.4.4. Partner Hospitality

Where an invitation to a function or event has been extended to the partner of a councillor, the cost of the hospitality for the partner will be reimbursed. The Chief Executive Officer must give prior approval to the reimbursement of costs for the partner.

2.4.5. Meals and Refreshments

Where Council or Committee meetings are held at times that extend through normal meal times, the Council will provide suitable meals and refreshments. All purchases of alcohol are to be approved by the Chief Executive Officer.

2.4.6. Stationery and Secretarial Support

Secretarial support will be made available for Councillors to assist them with diary management and in responding to correspondence, enquiries and request for service as part of their official duties as a councillor.

Councillors will be issued with business cards, diaries and compendia as required.

Upon request councillors will be provided with standard stationery held or obtained generally for the organisation's requirements.

The stationery may include writing implements, diaries, writing pad/books, paper and envelopes and the like.

Postage stamps and official letterhead will not be provided to councillors. Letterhead is only to be used by officers for Council business or the Mayor representing the Council. Councillors are to provide their own letterhead for electoral purposes.

The Chief Executive Officer will determine what is appropriate stationery and what quantities are appropriate.

Council business papers, personal mail and other Council information will be delivered to the councillors' nominated location weekly or as required.

2.4.7. Photocopying

A photocopy service will be provided for councillors should they need Council related documents copied. Requests for photocopying can be made through the Executive Coordinator.

2.4.8. Business Access

Each councillor will be provided with an access fob allowing 24-hour entry to the Benalla Civic Centre.

2.4.9. Councillors with Disabilities

The Council may resolve to provide reasonable additional facilities and meet reasonable additional expenses to assist a councillor with a disability to perform their official Council duties.

3. Childcare and Family Care

Expenses for licensed childcare services (for children being cared for up to and including the age of 14 years will be paid or reimbursed by the Council, if claimed, when a councillor attends:

- Council meetings and council business related to Council meetings.
- Council functions.
- Meetings arising as a result of a councillor being appointed by the Council to an external body or committee except where the body itself reimburses the relevant care expenses.
- Conferences, study tours, training sessions and seminars in capacity as a councillor.
- Recognised childcare expenses consist of reasonably hourly fees and associated travelling expenses.

4. Communication Expenses

Councillors will be provided with a mobile telephone on request.

The Council will pay all appropriate connection fees, rental charges and business call charges. The direct cost of any private use must be reimbursed to the Council.

5. Travel Expenses and Arrangements

5.1. Use of Private Vehicles

Councillors using their own vehicle for travel for the purpose of their duties as a councillor will be reimbursed on a per kilometre basis for travel outside the municipality only. Reimbursements will be in accordance with rates under the Australian Taxation Office's 'Cents per kilometre' motor vehicle expense deduction method.

Council will reimburse the costs of car parking, public transport, taxi/uber charges and toll fees incurred while undertaking duties associated with Council business, subject to the provision of original receipts and relevant details being provided.

When a ride share service or taxi service is used for Council related business, appropriate receipts are required for reimbursement to be claimed.

Where possible, the bookings and payment should be made in advance by Council through the EC, after receiving approval from the Mayor and CEO.

5.2. Use of Council Vehicles

Councillors have access to the Mayoral vehicle if it is not in use, for the purpose of undertaking Council business. When it is not available, councillors may request access to the Council fleet.

5.3. Infringement Notices

Councillors must not infringe against parking restrictions or any Victorian Road Rules and are personally liable for any infringement penalties received.

5.4. Interstate and International Travel

All application for international travel on Council business must be approved by the Council at Council Meeting.

All applications for interstate travel on Council business by the Mayor or councillors must be in writing and assessed and approved by the Chief Executive Officer.

Arrangements for travel and associated accommodation, car hire, etc. should be booked through the Executive Coordinator.

All interstate and international travel undertaken by councillors on Council business is recorded in the Interstate and International Travel Register.

5.5. Partner Travel

The costs of a partner accompanying a councillor on Council business (local, interstate or international) must be borne by the councillor unless there is a bona fide business purpose or necessity for the presence of a partner. Travel by a partner at Council expense must be approved in writing by the Chief Executive Officer, prior to departure.

6. Conferences, Training and Professional Development

6.1. Conferences

Councillors sponsored by the Council to attend conferences and seminars shall have all reasonable expenses for travel, transport, accommodation, registration fees, meals and other out of pocket expenses relating to the conference or seminar reimbursed or paid.

Applications to attend conferences must be approved by the Mayor and CEO.

If a councillor is attending a conference and will make a presentation on behalf of the Council, any presentation fees will be paid into the general revenue of the Council.

Any professional development being undertaken by a Councillor must be completed by the end of the financial year prior to a general election.

Unless in extenuating circumstances, requests for professional development opportunities will not be considered for the financial year just prior to election. This will ensure the incoming Council has full access the financial support required to deliver their induction and any other training required for a newly elected Council.

6.2. Professional Development

Councillors are encouraged to avail themselves of opportunities to attend appropriate professional development courses and conferences and seminars which may be of benefit to the individual councillor and/or Council as a whole.

Councillors have an obligation to be properly informed on all matters pertaining to the Council. To assist in this education process councillors are encouraged to attend professional development courses and conferences and seminars with relevance to local government.

Details of professional development courses and conferences and seminars which may be relevant and of interest to councillors will be circulated to all councillors through the weekly Councillors' Briefing Paper.

Attendance at Training, Conferences and Seminars is available to all Councillors and is subject to the following:

- Approval must consider the community benefit of attendance.
- If the cost is equal to or less than \$2,000, approval is to be sought from the Mayor

Governance subject to the above training allowance.

- Attendance at Training, Conferences and Seminars over the \$2,000 threshold must be approved by Council resolution.

Should a councillor express an interest in attending a particular professional development conference/seminar, notify the Executive Coordinator who will complete the registration and arrange accommodation and transport as required.

Once approval has been provided for a Councillor to attend training, a conference or seminar, the Councillor must attend.

6.2.1. Report to Council

Following attendance at a professional development course or conference/seminar councillors will be required to present either a verbal or written report to the Council at the next scheduled Council Meeting under the item 'Reports by Councillors'.

6.2.2. Budget Consideration

The Council's Professional Development Budget allocation will be determined annually by the Council as part of its annual budgetary process.

6.2.3. Reporting

A quarterly report will be submitted to the Council detailing year to date expenditure on councillors' attendance at professional development courses and conferences and seminars.

6.2.4. Expenses

The Council will reimburse councillors for necessary out of pocket expenses incurred during the professional development activity.

Reimbursement will be on the basis of actual costs incurred and will be subject to the presentation of original receipts. Reimbursement of all expenses will be authorised by the Chief Executive Officer and reported to the Council quarterly.

7. Management and Accountability

7.1. Expense Reimbursement Claims

When a councillor requires reimbursement of monies expended while conducting Council business, the following procedure should be followed:

- Obtain a relevant receipt or supporting documentation for expenditure. A statutory declaration will be required if receipts cannot be obtained.
- Provide the receipt to the Executive Coordinator no later than three month after the expenditure. The EC will complete a Reimbursement form.
- The Chief Executive Officer will endorse and approve all reimbursements.

7.2. Legal Advice Expenses

Any Councillor who obtains legal advice without the support of a Council resolution will be required to personally pay the expense incurred.

A Councillor may submit a Notice of Motion requesting that Council facilitate and fund legal advice expenses incurred as a result of a Councillor executing their duties.

Council will evaluate any Notice of Motion requesting legal advice against the following criteria:

- the extent to which the subject matter of the advice required relates to the Councillor's functions as a Councillor
- the extent to which the subject matter of the advice required relates to a matter before Council or the Councillor's representative role as a Councillor
- the extent to which the subject matter of the advice required will or is likely to be of interest to all Councillors
- the public interest
- any other relevant considerations.

In the event that legal advice relates to a writ, action or pending action against a Councillor(s), the Councillor(s) must supply a copy of the writ or action or provide the information which may lead to an action, to the CEO. The CEO will advise Council's insurers as soon as possible, in accordance with Council's insurance policy conditions.

8. Members of Council Delegated Committees

Non-Councillor members of Council Committees are not entitled to claim reimbursement of expenses incurred whilst exercising their duties as a committee member, unless specifically outlined in an Agreement or Terms of Reference established by Council for the committee. Exceptions may apply to individual cases where approval has been granted by the CEO.

9. Consequences of Breach

Any action by a Councillor or Committee Member in relation to matters contained in this policy which breaches obligations under the Act or the Model Councillor Code of Conduct, may result in action taken by Council pursuant to the Act and / or Code.

10. General Provisions

Councillors are to ensure that all equipment and other entitlements are correctly used and securely stored at all times.

Any person who ceases to be a councillor must immediately cease to use any equipment or other entitlement. The use of any Council business cards, Council letterhead, councillor name tag or any equipment or entitlement that may in any way be assumed by any person that the person holds the position of a councillor of the Benalla Rural City Council is prohibited and must cease immediately the entitlement to be a Councillor ceases.

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Related Policies

- *Benalla Rural City Council Plan*
- *Benalla Rural City Community Plan*
- *VAGO Fraud and Corruption Controls Over Councillor Entitlements And Expenditure*
- *Model Councillor Code of Conduct*
- *Council Policy Fraud Prevention*
- *Victorian Independent Remuneration Tribunal – Allowance Payable to Mayors, Deputy Mayors and Councillors (Victorian)*
- *Local Government Inspectorate – Overview of Councillor Support and Expenses Policy*
- *Recognition and Support, the Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources 2008*
- *Information Guide on Mayor and Councillor Entitlements – Reimbursement of Expenses and Provision of Resources and Facilities Support for Victorian Mayors and Councillors 2008*

Related Legislation

- *Local Government Act 2020*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Local Government (General) Regulations 2015*
- *Local Government (Planning and Reporting) Regulations 2020*
- *Local Government (Governance and Integrity) Regulations*
- *Local Government Amendment (Governance and Integrity) Act 2024*