

**Wangaratta Rural City Council**  
**Councillor Support Policy**  
**2016**

**TABLE OF PROVISIONS**

Clause	Page
<b>PART 1 – INTRODUCTION</b>	<b>1</b>
1 Title	1
2 Objectives	1
3 Authorising Provision	1
4 Adoption	1
5 Commencement and Review Dates	2
6 Revocation of Council Policies	2
7 Application and Scope	2
8 Definitions and Notes	2
<b>PART 2 – COUNCILLOR SUPPORT</b>	<b>8</b>
<b>DIVISION 1 – ALLOWANCES</b>	<b>8</b>
9 Determination	8
10 Payment	10
11 Review	11
<b>DIVISION 2 – OFFICE FACILITIES</b>	<b>11</b>
12 Mayor	12
13 Councillors	12
14 Office Access	12
15 Meeting Rooms	13

16	Meals and Refreshments	13
<b>DIVISION 3 - PARKING AND TRANSPORT</b>		<b>14</b>
17	Council Office Parking	14
18	Other Car Parking Costs	14
19	Mayor Motor Vehicle	15
20	Private Vehicle Use	15
21	Public Transport	16
22	Access to Council's Motor Vehicle Pool	16
<b>DIVISION 4 - EQUIPMENT</b>		<b>17</b>
23	Usage	17
24	Specifications	17
25	Shared Councillor Office	18
26	Mayor's Office	18
27	Personal Equipment	18
28	Costs	19
29	Loss or Theft	20
<b>DIVISION 5 – ADMINISTRATIVE SUPPORT</b>		<b>21</b>
30	Councillors	21
31	Mayor	21
32	Stationery	22
33	Personalised Stationery	23
34	Name Badges	24
35	Business Cards	24
<b>DIVISION 6 – INFORMATION SERVICES</b>		<b>24</b>
36	Correspondence and Document Registration	24

---

37	Councillor Website Page	25
38	Councillor Intranet	26
39	Photocopying	26
40	Publication Subscriptions	26
41	Photographic Images	27
<b>DIVISION 7 – PERSONAL SUPPORT</b>		<b>27</b>
42	Family Care	27
43	Family Expense Claims	29
44	Disability Support	30
<b>DIVISION 8 – HEALTH AND WELLBEING</b>		<b>30</b>
45	Protective Clothing	30
46	Counselling	30
<b>DIVISION 9 – TRAINING AND DEVELOPMENT</b>		<b>31</b>
47	Induction	31
48	Professional Memberships	33
49	Training and Conferences	33
50	Expenses Covered	35
51	Expenses Approvals and Limits	35
52	Delegates Reports	36
<b>DIVISION 10 – CIVIC REPRESENTATION</b>		<b>37</b>
53	Local Events and Functions	37
54	Civic Functions	38
55	Local Festivals and Events	39

<b>DIVISION 11 – LEGAL AND INSURANCE PROTECTION</b>	<b>39</b>
56 Indemnity	39
57 Legal	40
58 Insurance	41
59 Workcover	42
<b>PART 3 – COMMITTEE MEMBER SUPPORT</b>	<b>42</b>
60 Claims for Reimbursement by Members of Council Committees	42
<b>PART 4 – REIMBURSEMENT</b>	<b>43</b>
<b>DIVISION 1 – REIMBURSEMENT EXCLUSIONS</b>	<b>43</b>
61 Expenses Not Specified	43
62 Claims outside Claim Period	43
63 Legal Breaches	44
64 Family or Associates	44
<b>DIVISION 2 – REIMBURSEMENT PROCEDURE</b>	<b>44</b>
65 Claim Period	44
66 Reimbursement Claims	45
67 Councillors Reimbursing Council	45
<b>PART 5 – COUNCILLOR EXPENSE REPORTING</b>	<b>46</b>
68 Quarterly Reporting	46
69 Public Inspection	47

# **Wangaratta Rural City Council**

## **Councillor Support Policy**

### **2016**

#### **PART 1 – INTRODUCTION**

Introduction: This part outlines the title, purpose, authority and the application of this Policy. It also defines key terms used throughout the Policy.

#### **1 Title**

This Policy will be known as the "Councillor Support Policy".

#### **2 Objectives**

The purpose of this Policy is to provide for the resources support, training and development support and legal and insurance protection for Councillors and as appropriate for non-Councillor members of Council committees;

#### **3 Authorising Provision**

This Policy has been developed and approved in accordance with section 75B of the *Local Government Act 1989* and Council's Major Council Policy Consultation Local Law No. 4 of 2015.

#### **4 Adoption**

This Policy has been adopted by Council at the dd Mmmm 2016 ordinary meeting of Council.

**5 Commencement and Review Dates**

- (1) This Policy commences on 23 October 2016.
- (2) This Policy must be reviewed by July 2020.

**6 Revocation of Council Policies**

On the commencement of this Policy, the following Major Council Policies are revoked—

- (a) Councillor Support and Civic Expense Reimbursement Policy; and
- (b) Professional Development for Councillors Policy.

**7 Application and Scope**

- (1) This Policy is for Councillors and non-Councillor members of Council committees. It is part of Council's Governance Framework.
- (2) This Policy does not apply to Council officers.
- (3) This Policy is a Major Council Policy as defined by the Major Council Policy Consultation Local Law No. 4 of 2015.

**8 Definitions and Notes**

- (1) In this Policy, unless the context or subject-matter indicates otherwise—  
*"Act"* means the *Local Government Act 1989*;  
*"Advisory Committee"* means any committee established by Council, other than a special committee, that provides advice to Council or a Special Committee of Council or a member of Council staff who has been delegated a power,

PART 1 – INTRODUCTION

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duty or function of Council under section 98 of the Act;

*"Assembly of Councillors"* (however titled) means a meeting of an advisory committee of Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be—

- (a) The subject of a decision of Council; or
- (b) Subject to the exercise of a function, duty or power of Council that has been delegated to a person or committee—

but does not include a meeting of Council, a special committee of Council, an audit committee established under section 139 of the Act, a club, association, peak body, political party or other organisation;

*"Chair"* means the Chairperson of a meeting and includes an acting, a temporary, and a substitute Chairperson;

*"Chamber"* means the room in which a Council Meeting or a Special Committee meeting is taking place, and includes any gallery or other area in view or hearing of the room;

*"Chief Executive Officer"* means the Chief Executive Officer of Council or anyone appointed to act in that position;

*"Complaint"* means an expression of dissatisfaction with—

- (a) The quality of an action taken, decision made, or service provided; or

PART 1 – INTRODUCTION

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- (b) A delay or failure in providing a service, taking an action, or making a decision.

A complaint is not—

- (a) A request for service;
- (b) A matter that is, has been or is scheduled to be before a court, panel, coroner or tribunal;
- (c) Anything that relates to the appointment or dismissal of any staff member or an industrial issue or an internal staff disciplinary issue;
- (d) Reports of damaged or faulty infrastructure;
- (e) Reports concerning neighbours or neighbouring property e.g. noise or unauthorised building works;
- (f) The lodging of an appeal or a submission in accordance with Council procedure or policy;
- (g) Reports of hazards e.g. fallen tree branch or road pot hole.
- (h) Matters where statutory submission, hearing, review or appeal processes exist.

*“Council”* means Wangaratta Rural City Council;

*“Council committees”* means a reference to *Special Committees and Advisory Committees*;

*“Council duties”* means any duties performed by a Councillor, either inside or outside of the municipal district that are necessary or appropriate for the purposes of achieving the

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PART 1 – INTRODUCTION

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objectives of Council, as defined in section 3C of the Act. Such duties would generally include, but are not limited to, the following when performed or undertaken by a Councillor in that capacity—

- (a) Attending an ordinary, a special or a committee meeting of Council;
- (b) Attending a meeting with the Chief Executive Officer of Council, or any other member of staff of Council, at Council premises;
- (c) Attending or participating in a scheduled activity of a business, community or other organisation as a representative of Council;
- (d) Attending a scheduled meeting with a representative of a local, State or Federal Government entity as a representative of Council;
- (e) Inspecting, for a purpose associated with a Council approval process, a development or other site that is the subject of a Council approval process;
- (f) Visiting any other site as a representative of Council;
- (g) Attending a pre-approved training or professional development activity for Councillors;
- (h) Responding to communications from constituents concerning Council business.

The circumstances, which take precedence over the foregoing, in which a Councillor will generally

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PART 1 – INTRODUCTION

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not be taken to be performing his or her duties as a Councillor include, but are not limited to, the following—

- (a) Where the Councillor’s conduct contravenes the Councillor Code of Conduct;
- (b) Where the Councillor’s conduct contravenes the Councillor conduct principles referred to in sections 76B and 76BA of the Act;
- (c) Where the Councillor is otherwise contravening a provision of the Act or is otherwise acting unlawfully;
- (d) Where the Councillor is acting solely in his or her capacity as a private member of the community; and
- (e) Where the Councillor is carrying out work in his or her capacity as an employee or deemed employee of another individual, company, organisation or other body, or as a self-employed person.

*“Council Meeting”* includes an Ordinary Meeting and a Special Meeting of Council;

*“Deputy Mayor”* means the Councillor elected to hold the position of Deputy Mayor, if Council has resolved to establish the position;

*“Leave of absence”* means formal leave taken by a Councillor who is not available, or unable to perform their Council duties for a specified period of time;

*“Mayor”* means the Mayor of Council;

PART 1 – INTRODUCTION

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*“Members of council committees”* means non-Councillor persons appointed by Council to be members of council committees;

*“Municipal district”* means the municipal district of Council;

*“Ordinary Meeting”* means any meeting of Council which is not a Special Meeting;

*“Policy”* means this Councillor Support Policy;

*“Request for service”* means contact with Council to seek assistance, access to a new service, advice, information or to make a report about something for which Council has responsibility;

*“Special Committee”* means a Special Committee established by Council under section 86(1) of the Act;

*“Special Meeting”* means a Special Meeting of Council convened and held in accordance with section 84, 84A or 85 of the Act;

*“Visitor”* means any person other than a Councillor, member of a Special Committee, or member of Council staff who is in attendance at a Council Meeting or a Special Committee Meeting;

*“Website”* means the official website of Council maintained in accordance with section 82A of the Act; and

*“Written”* includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.

- (2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this

PART 2 – COUNCILLOR SUPPORT

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Policy. They are provided to assist understanding.

**PART 2 – COUNCILLOR SUPPORT**

Introduction: This part recognises the support Councillors require to serve, engage and act in the best interests of the community.

It covers civic and resource support for Councillors, and the reimbursement of out-of-pocket expenses. Councillors should put in place processes for documenting their claimable expenses. They should also seek their own financial and taxation advice.

**DIVISION 1 – ALLOWANCES**

Introduction: This Division covers the allowances payable to Councillors under section 74 of the Act.

**9 Determination**

- (1) Councillor and Mayoral allowances are payable to serving councillors in accordance with the Act.
- (2) A Mayor is not entitled to receive a Councillor allowance if the Mayor is entitled to receive a Mayoral allowance.
- (3) A Deputy Mayor is only entitled to receive a Councillor allowance unless acting as Mayor in accordance with the Act and Council's Governance and Meeting Conduct Local Law No. 2 of 2016.
- (4) For the purposes of enacting the provisions of the Act and Council's Governance and Meeting Conduct Local Law No. 2 of 2016, the following shall apply—

DIVISION 1 – ALLOWANCES

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- (a) The Mayor will be deemed to be absent if the Mayor is (or will be) away from the municipality or uncontactable whilst within the municipality and therefore unable to fulfill the role of Mayor for a period of seven or more consecutive days; or
  - (b) The Mayor will be deemed to be incapable of acting if the Mayor declares to the Council that he or she is incapable of fulfilling the role of Mayor; or
  - (c) The Mayor will be deemed to be refusing to act if, after being requested by Council resolution to fulfill the role of Mayor, in the opinion of the Council, the Mayor continues to refuse to act.
- (5) If a Councillor is appointed to act as Mayor under section 73(3) of the Act for a continuous period exceeding 28 days, the acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance for the period that he or she is acting as Mayor.
- (6) A person is only entitled to receive an allowance while he or she holds the office in respect of which the allowance is payable.
- (7) Councillor and Mayoral allowances are based on three categories of Council. Council is currently a Category 2 Council.
- (8) In addition to the allowances above, Councillors are paid the equivalent of the Superannuation Guarantee contribution at the rate that applies at the time of payment of the allowances as established in the *Superannuation Guarantee (Administration) Act 1992*.
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DIVISION 1 – ALLOWANCES

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- (9) Council must review and determine the level of Councillor and Mayoral allowances within the period of six months after a general election or by the next 30 June.
- (10) The allowances determined under clause 9(9) are payable during the following four financial years
- (11) A person has a right to make a submission under section 223 of the Act in respect of a review of allowances.

**10 Payment**

- (1) Mayoral and Councillor allowances are paid monthly in advance, by Electronic Funds Transfer.
- (2) The Mayoral allowance is paid on a pro rata basis for the October-December quarter up to the date of the Mayoral election and any adjustments are then subsequently made to reflect any change in office.
- (3) Section 74A (3) of the Act provides that Council does not have to pay an allowance to a Councillor who does not wish to receive it.
- (4) Any personal taxation implications from the receipt of allowances are the responsibility of individual Councillors.
- (5) The ATO Interpretative Decision, ATO ID 2007/205, Income Tax, Assessability of superannuation contributions made in favour of local government councillors, provides that all Councillors may enter into salary sacrificing arrangements with a complying superannuation

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DIVISION 2 – OFFICE FACILITIES

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fund without those contributions being assessable as income of the Councillor.

**11 Review**

- (1) If a notice is published in the Government Gazette under section 73B(4) of the Act, Council must increase the level of Councillor and Mayoral allowances in accordance with the adjustment factor specified in the notice.
- (2) Sections 74(1A) and 74(1B) of the Act provide that Council may review and determine the level of the Councillor allowance and the Mayoral allowance after—
  - (a) An Order in Council is made by the Governor in Council under section 74B that varies the limits or ranges of allowances payable by Council;
  - (b) The Minister, by notice published in the Government Gazette under section 73A or 74C, has changed the category of Council; or
  - (c) An Order in Council under section 74B has been made changing the category of Council.
- (3) section 74(4) of the Act provides that the public has the right to make a submission under section 223 of the Act in respect of a Council review of allowances.

**DIVISION 2 – OFFICE FACILITIES**

Introduction: This Division concerns the office facility support provided to councillors.

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**12 Mayor**

An office will be provided for the Mayor at the Wangaratta Government Centre.

**13 Councillors**

- (1) Shared office accommodation will be provided at the Wangaratta Government Centre to assist Councillors to undertake their Council duties during and after business hours including—
  - (a) A meeting room;
  - (b) A kitchenette; and
  - (c) A small lounge.
- (2) The shared office area will be suitable for office work, reading, research, and small meetings.
- (3) Visitors must only be provided access if accompanied by a Councillor.

**14 Office Access**

- (1) Councillors are entitled to have access to the shared office accommodation and public areas of the Wangaratta Government Centre during normal business hours and for meetings.
- (2) Each Councillor will receive a security pass allowing the access described in clause 14(1). Councillors needing access to these facilities at other times must obtain authority from the Chief Executive Officer.
- (3) Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer or as provided for in the

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DIVISION 2 – OFFICE FACILITIES

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Councillor Interaction with Council Staff Policy put in place by the Chief Executive Officer.

- (4) Councillors must ensure that when they are within a staff-only area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.
- (5) Any security access cards issued to Councillors remain the property of Council and must be returned to Council within seven days of the end of a Councillor's term of office.

**15 Meeting Rooms**

- (1) Councillors can book Council meeting rooms in the shared office accommodation and public areas of the Wangaratta Government Centre, subject to availability, for meetings where the primary purpose is for the Councillor to carry out their Council duties.
- (2) The Councillor must be in attendance at meetings for which they have made a meeting room booking.

**16 Meals and Refreshments**

- (1) Where Council or Committee Meetings are held at times that extend through normal meal times, Council will provide suitable meals and refreshments served on the premises.
- (2) The Councillor shared office accommodation kitchenette will be stocked with light refreshments for Councillors undertaking their Council duties at the Wangaratta Government Centre.

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DIVISION 3 - PARKING AND TRANSPORT

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- (3) Alcohol will not be served or made available, except at official Council functions, as approved by the Chief Executive Officer and accordance with Council's Drugs and Alcohol at the Workplace Policy.

**DIVISION 3 - PARKING AND TRANSPORT**

Introduction: This Division concerns parking and transport support arrangements provided to councillors.

**17 Council Office Parking**

- (1) Councillors will be provided with a car parking permit which entitles them to park in designated parking bays across the municipality when on Council business.
- (2) The car parking permit does not allow vehicles to park in areas designated as loading zones, bus zones, no stopping areas, mail zones, clearways, disabled bays, taxi zones or school drop off zones.

**18 Other Car Parking Costs**

- (1) Car parking fees incurred while undertaking Council duties will be reimbursed on the basis of original receipts and relevant detail regarding the purpose, date and time of the meeting or function.
- (2) Claims must be made in accordance with clause 66.

**19 Mayor Motor Vehicle**

- (1) Council will provide the Mayor with a fully registered, insured, maintained and fueled vehicle for use by the Mayor on Council duties and for private use. Council will also meet the cost of regular cleaning of the Mayoral vehicle and will provide a roadside assistance service subscription for the vehicle.
- (2) The vehicle type and usage will be in accordance with Council's policy on motor vehicles as determined by the Chief Executive Officer from time to time.
- (3) The Mayor must be the holder of a current Victorian Driver's Licence at all times when driving a Council vehicle.
- (4) The Mayoral vehicle will be traded in accordance with Council's policy on motor vehicles.

**20 Private Vehicle Use**

- (1) If the Mayor does not require a Council motor vehicle, and chooses to use private vehicles to carry out his or her Council duties, the Mayor will be reimbursed monthly in arrears for the kilometres travelled undertaking Council duties.
- (2) Costs relating to private vehicle use by Councillors will be reimbursed where it is a necessary Council expense incurred when—
  - (a) Performing Council duties;
  - (b) Travelling for inspections, functions and external meetings associated with legitimate Council business;

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DIVISION 3 - PARKING AND TRANSPORT

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- (c) Travelling for attendance at authorised conferences, courses and seminars;
  - (d) Travelling to and from air, rail or bus ports when embarking on interstate or international Council business.
- (3) Reimbursement for private vehicle use shall be calculated using the cents per kilometre, as determined by the Australian Taxation Office, from time to time, for the motor vehicle expenses cents per kilometre method, for the vehicle used or for the class of vehicle used.
- (4) Claims must be made in accordance with clause 66 except that instead of providing relevant receipts the Councillor must provide vehicle log records for the period being claimed showing the vehicle make and model, the date of travel, the reason for the travel and the kilometres travelled.

**21 Public Transport**

- (1) Councillors will be reimbursed for travel on taxis, trains, trams, buses and light rail journeys while undertaking Council duties within and outside the municipality.
- (2) Claims must be made in accordance with clause 66.

**22 Access to Council's Motor Vehicle Pool**

- (1) Where practicable, and by prior arrangement, a Council pool vehicle may be made available to Councillors for travel where use of private vehicles or other means of transport is not practical or available. A Council pool vehicle may be particularly useful when a number of
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DIVISION 4 - EQUIPMENT

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Councillors are travelling outside the municipality or on longer distances.

- (2) Councillors must fill out the logbook in Council pool vehicles.

### **DIVISION 4 - EQUIPMENT**

Introduction: This Division concerns equipment provided to Councillors for use in conducting their Council duties.

#### **23 Usage**

- (1) All equipment issued to Councillors remains the property of Council and must be returned to Council within seven days of the end of a Councillor's term of office.
- (2) All equipment issued to Councillors must only be used for undertaking Council duties, however, it is acknowledged that, on occasion, reasonable personal use may be made of communications equipment.
- (3) Councillors are required to ensure that they have read, understood and comply with Council's corporate policies in respect to the use of any communication and IT equipment and resources.
- (4) On presentation of a broken or faulty device Council will replace or repair the item.

#### **24 Specifications**

The specific make, model and quality of equipment issued to Councillors will be in accordance with the policies and guidelines determined by the Chief Executive Officer from time to time.

**25 Shared Councillor Office**

The shared Councillor office will have—

- (a) A multifunction device;
- (b) Two tablet docking stations, including a screen keyboard and mouse for each, with fixed internet connections;
- (c) Wi-Fi internet connection;
- (d) A fixed telephone landline handset and connection;
- (e) Secure file storage for each Councillor; and
- (f) A selection of stationery.

**26 Mayor's Office**

The Mayor's office will be provided with

- (a) A tablet docking station, including a screen, keyboard and mouse, with fixed internet connection;
- (b) Wi-Fi internet connection;
- (c) A fixed telephone landline handset and connection; and
- (d) Secure file storage.

**27 Personal Equipment**

Each Councillor is entitled to the following equipment—

- (a) A multifunction device;

DIVISION 4 - EQUIPMENT

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- (b) A mobile telephone with Wi-Fi capability and access to mobile voice and data networks;
- (c) A computer tablet with Wi-Fi capability and access to mobile data networks;
- (d) A tablet docking station, including a screen, keyboard and mouse;
- (e) A broadband internet connection with Wi-Fi capability at the Councillor's place of residence;
- (f) An in-car hands free phone kit in the Councillor's personal car, if required; and
- (g) A paper shredder.

**28 Costs**

- (1) Council will meet the reasonable purchase, installation, maintenance and service, connection, subscription, rental and usage costs for all Council provided equipment.
- (2) Voice and data equipment is provided for Council business use, however it is recognised that for practical reasons Councillors may use the equipment for reasonable private use. The individual level of usage may differ according to individual circumstances and the nature of their Council duties. The onus will be on each Councillor to determine what is reasonable according to their individual circumstances and role.
- (3) Where private equipment use is deemed by Councillors themselves, or by the Chief Executive Officer, to be beyond reasonable

DIVISION 4 - EQUIPMENT

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limits, Councillors will be required to reimburse Council for the cost of such use in accordance with clause 67.

- (4) To assist Councillors in determining what is reasonable private use of equipment the following guidelines are provided—
- (a) Standard local telephone calls which Councillors could not for practical reasons make from a private land line telephone service due to location, mobility or convenience would be considered reasonable;
  - (b) International calls are not considered reasonable private use unless conducting Council business;
  - (c) Telephone calls to information or service providers which incur a significant per minute charge will not be considered reasonable private use;
  - (d) Purchases of mobile phone and computer tablet apps will not be covered by Council.

**29 Loss or Theft**

- (1) Loss or theft of communications equipment must be reported immediately to the Chief Executive Officer or delegate.
  - (2) Lost items may be replaced at the Councillor's expense.
  - (3) Stolen devices should be reported to Victoria Police.
  - (4) Stolen devices will be replaced.
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## **DIVISION 5 – ADMINISTRATIVE SUPPORT**

Introduction: This Division concerns the administrative support provided to councillors.

### **30 Councillors**

In recognition of the responsibilities and community expectations placed on the Mayor and Councillors, dedicated administrative support will be provided during normal office hours and broadly includes—

- (a) Diary management;
- (b) General follow up and preparation of correspondence;
- (c) Constituent and community contact activities;
- (d) Relevant bookings on behalf of councillors including meeting rooms, civic events and conferences;
- (e) Responding to invitations;
- (f) Issue research;
- (g) Speech notes;
- (h) Councillor resource requests in accordance with this policy; and
- (i) Processing councillor requests for reimbursement of expenditure.

### **31 Mayor**

- (1) Administrative support will be provided to the Mayor for work directly related to the duties of the Mayoral office.

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DIVISION 5 – ADMINISTRATIVE SUPPORT

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- (2) Support will be overseen by the office of the Chief Executive Officer.

**32 Stationery**

- (1) All stationery issued to Councillors remains the property of Council and must be returned to Council within one week of the end of a Councillor's term of office.
- (2) Councillors shall, upon request, be supplied with standard stationery held or obtained generally for the organisation's requirements. Stationery may include but not necessarily be limited to—
  - (a) Paper;
  - (b) Envelopes;
  - (c) Writing implements;
  - (d) Removable computer storage media;
  - (e) Writing pads;
  - (f) Notebooks;
  - (g) Printer consumables;
  - (h) Business cards; and
  - (i) Personal diary.
- (3) Council will pay for postage for correspondence related to a Councillor's Council duties.
- (4) All outgoing mail related to Council business must go through the Council mailing system.
- (5) Stationery and postage must not be used by a Councillor for any personal, business, political or election related purposes.

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DIVISION 5 – ADMINISTRATIVE SUPPORT

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- (6) Council inscribed stationery is not to be modified in any way.

**33 Personalised Stationery**

- (1) Councillors will be provided with personalised Council stationery for use in relation to Council business which must only be used in accordance with the following protocols—
- (a) Personalised stationery consists of—
- (i) A personalised letterhead electronic template; and
  - (ii) A personalised email signature for use with their Council email account.
- (b) Personalised stationery will carry the following disclaimer—
- “This correspondence reflects the position of the writer and should not be regarded as communicating any formal position of, or as binding in any way on, the Wangaratta Rural City Council”;*
- (c) Correspondence from Councillors must not contain material that is contrary—
- (i) To the Act or any other Act; or
  - (ii) To any of Council’s adopted plans, strategies or policies;
- (d) Correspondence must not publish information that purports to be on behalf of Council;

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DIVISION 6 – INFORMATION SERVICES

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- (e) Correspondence from Councillors must not provide advice;
- (f) Councillors must not divulge corporate information which may be sensitive, confidential or not meant for public knowledge.

**34 Name Badges**

Each Councillor will be supplied with a name badge for use when undertaking their Council duties.

**35 Business Cards**

- (1) Each Councillor will be supplied with personalised Council business cards for use while carrying out their Council duties.
- (2) On request, the business card may include reference to a Councillor's Facebook, LinkedIn or other social media address set up and maintained by the Councillor for the purposes of their role as a Councillor.
- (3) Councillor business cards must not include a reference to Councillors' personal Facebook, LinkedIn or other social media addresses.

**DIVISION 6 – INFORMATION SERVICES**

Introduction: This Division concerns the information services provided to support Councillors in their Council duties.

**36 Correspondence and Document Registration**

- (1) To support the Mayor and Councillors in the effective management of all correspondence, incoming mail will be opened by the business
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DIVISION 6 – INFORMATION SERVICES

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unit responsible for opening incoming mail, registered and referred to the relevant actioning officer.

- (2) An acknowledgement letter will be sent and a copy of the original correspondence will be provided to the relevant Councillors. The actioning officer will reply on behalf of Council with a copy of the response also being provided to the relevant Councillors.
- (3) Responses to correspondence addressed to the Mayor or Councillors from Federal or State politicians or Mayors of other municipalities will be drafted by the actioning officer for Mayoral signature.
- (4) Correspondence marked personal, private and/or confidential will be given to the respective Councillor unopened. Where appropriate these mail items will then be redirected by the respective Councillor through the Council records system processes.
- (5) Constituent email correspondence to individual Councillors requiring follow up will be logged as a request or complaint, as the case may be, in Council's customer action request system.

**37 Councillor Website Page**

- (1) Each Councillor will be provided with a web page on Council's website containing their—
    - (a) Official Council portrait photograph;
    - (b) Contact details;
    - (c) Ward map;
    - (d) Representation on committees; and
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DIVISION 6 – INFORMATION SERVICES

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- (e) Ward meeting details.
- (2) By request, the web page can also link to a Councillor's private, externally-hosted and resourced webpage or social media page provided that a disclaimer is included which identifies the external site as not officially representing Council.

**38 Councillor Intranet**

All information for Councillors, including Council information papers, agendas and minutes, will be available electronically through a Councillor specific intranet page.

**39 Photocopying**

- (1) A Councillor may request small amounts of photocopying directly related to carrying out their Council duties.
- (2) Requests for photocopying must be made through the office of the Chief Executive Officer.

**40 Publication Subscriptions**

- (1) Councillors will be provided with access to, newspapers or newspaper articles, journals, magazines and other publications relevant to their Council duties, as required.
- (2) Councillors will be able to access electronic versions of legislation.

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DIVISION 7 – PERSONAL SUPPORT

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**41 Photographic Images**

- (1) On request, Councillors will be provided with access to the Council image library for a purpose associated with their Council duties.
- (2) Council image library images remain the property of Council and are copyright and must only be used by Councillors for a specified and approved purpose.
- (3) Council image library images must not be used by a Councillor for any personal, business, political or election-related material.
- (4) All image access and use must be approved by the business unit responsible for Council communications.
- (5) Councillors are able to update their official Councillor group and individual portraits each year using a Council-engaged photographer.

**DIVISION 7 – PERSONAL SUPPORT**

Introduction: This Division concerns the family care and disability support arrangements provided to Councillors.

**42 Family Care**

- (1) This category covers child care for children 0-15 years inclusive and other forms of care needed to support immediate family members.
- (2) Council will reimburse the reasonable out of pocket care (child and family) expenses incurred by Councillors in the course of carrying out their Council duties where they are the primary care giver and when they attend—

DIVISION 7 – PERSONAL SUPPORT

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- (a) Ordinary and Special Council Meetings or Committees of Council;
  - (b) Formal briefing sessions and planning forums;
  - (c) Civic or ceremonial functions convened by Council or the Mayor;
  - (d) Meetings scheduled by Council or the Mayor;
  - (e) Meetings necessary for the Councillor to exercise a delegation given by Council;
  - (f) A meeting, function or other official role as a representative of Council or the Mayor;
  - (g) Meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate or is authorised by Council except where the body reimburses relevant child care expenses incurred by the Councillor;
  - (h) Conferences, study tours/official visits (domestic and overseas), training sessions and functions in the capacity as Councillor; and
  - (i) Community forums, meetings with officers or other meetings and events attended in the course of their Council duties.
- (3) Council will reimburse the Councillor for carer expenses paid to—
- (a) An accredited child care/attendant care provider; or

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DIVISION 7 – PERSONAL SUPPORT

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- (b) A person providing care who—
  - (i) Does not have a familial or like relationship with the Councillor; or
  - (ii) Does not reside either permanently or temporarily with the Councillor; or
  - (iii) Does not have a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.
- (4) Fees will generally be payable per hour or part of an hour subject to any minimum period which is part of the care provider's usual terms.
- (5) Reasonable out-of-pocket care for child and family care expenses are defined as those not exceeding the prevailing market rates for those services within the municipality.

**43 Family Expense Claims**

- (1) All claims for reimbursement of child or family care shall be made on a monthly basis within 30 days from the end of the month.
- (2) All claims should be made within three months of the date of the service.
- (3) Councillors must complete a Payment Request Form and provide a copy of the care provider receipt. The receipt should clearly show—
  - (a) The provider of the service;
  - (b) The type of service provided;

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DIVISION 8 – HEALTH AND WELLBEING

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- (c) The date on which the service took place;
- (d) The hourly rate of the provider and hours of service; and
- (e) The signature of the person who has provided the service and total payment received.

**44 Disability Support**

For any Councillor with a disability, Council will provide reasonable additional facilities and support to enable that Councillor to perform their Council duties.

**DIVISION 8 – HEALTH AND WELLBEING**

Introduction: This Division concerns the health and wellbeing support provided to councillors.

**45 Protective Clothing**

- (1) Councillors will be loaned protective clothing to meet safety requirements in carrying out their Council duties.
- (2) The Councillor will return any protective clothing at the completion of the activity for which the protective clothing was provided.

**46 Counselling**

Councillors are able to access Council's Employee Assistance Program (EAP) counselling service, to assist with their health and wellbeing during their term of office.

## **DIVISION 9 – TRAINING AND DEVELOPMENT**

Introduction: This Division concerns the training and development support provided to councillors.

### **47 Induction**

- (1) Councillors have a personal responsibility to actively seek development opportunities in order to appropriately fulfil their role and better represent constituents and the local community.
- (2) New Councillors will be supported in their role through the provision of a comprehensive induction program arranged by the Chief Executive Officer.
- (3) Councillors must actively participate in the Induction Program of Council.
- (4) Information provided in induction sessions will be supported by written materials provided to Council Members electronically, and available in hard copy on request.
- (5) The induction program will be designed by the Chief Executive Officer, in consultation with the Mayor, and the proposed program presented to the outgoing Council for endorsement.
- (6) The induction program will include the following elements—
  - (a) Relationship Building. Councillors and senior staff, led by the Chief Executive Officer, have shared responsibility for the strategy, priorities, efficient resource use and overall performance of services delivered to the community. The

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DIVISION 9 – TRAINING AND DEVELOPMENT

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- development of a strong working relationship is therefore critical;
- (b) **Roles and Responsibilities.** Understanding the separate but complementary roles of Council as a whole, Councillors, the Mayor and the Chief Executive Officer is fundamental to achieving outcomes for the local community;
  - (c) **Councillor and Meeting Conduct.** Equally important to decision making is the smooth functioning of the elected Council and the cooperation of Councillors. The induction program will provide information about and discussion of the law and procedure of meetings as well as the provisions of the Councillor Code of Conduct. Councillors will be required to take the Oath of Office and Code of Conduct declaration in accordance with the Act;
  - (d) **Strategic Directions.** As an early priority the new Council needs to review the strategic directions and major projects agreed by the previous Council and determine whether they will continue to be endorsed. The induction program will include briefings with sufficient detail to ensure that all Councillors have a common understanding of key policy areas, strategies, plans and ongoing projects.
  - (e) **Orientation.** It is desirable that all Councillors, including first time
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DIVISION 9 – TRAINING AND DEVELOPMENT

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Councillors, are equipped to participate effectively in the business of Council from the first meeting after an election. In addition to the above elements induction will include an orientation program for first time Councillors.

- (f) Values and Behaviours. The new Council is required to review and adopt a Councillor Code of Conduct within four months of the election. The induction program will provide the opportunity for Councillors to contribute to the review and adoption of the Councillor Code of Conduct.

#### **48 Professional Memberships**

Council will organise and pay for Councillors' memberships of peak Australian local government bodies including, but not limited to the—

- (a) The Victorian Local Governance Association (VLGA)
- (b) The Australian Local Government Association (ALGA)
- (c) The Australian Local Government Women's Association (ALGWA).

#### **49 Training and Conferences**

- (1) Councillors will be given the opportunity to attend conferences and training sessions as they are important in enhancing the knowledge of Councillors and their ability to make contemporary, informed decisions.

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DIVISION 9 – TRAINING AND DEVELOPMENT

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- (2) Councillors should seek assistance from the Chief Executive Officer to analyse their particular requirements and identify appropriate courses and training to meet their needs.
- (3) The selection of the conference or training session should be based on its relevance to the responsibilities of the respective Councillor and any specific professional development needs including the following—
  - (a) Courses and training that relate directly to Council duties;
  - (b) Sessions organised by Local Government peak bodies such as the—
    - (i) MAV;
    - (ii) VLGA;
    - (iii) ALGA; and
    - (iv) ALGWA.
  - (c) Specialist training related to Council duties as organised by the Chief Executive Officer;
  - (d) Australian Institute of Company Directors (AICD) or other courses approved by the Chief Executive Officer related to governance and leadership;
  - (e) Sessions conducted as part of Council's annual Councillor training program;
  - (f) Specific needs based training including, but not limited to, media and public speaking.

**50 Expenses Covered**

Councillors are entitled to have paid by Council or reimbursed the cost of attending approved conferences and seminars including—

- (a) Registration fees for attendance at conferences and seminars;
- (b) Conference dinner and other meals within reasonable limits for the duration of the conference or seminar;
- (c) Accommodation from the day prior to registration day and each day on which the conference or seminar is held. Any additional costs as a result of the attendance of partners and/or children shall be borne by the Councillor;
- (d) Transportation in the most appropriate mode to, from and during conferences and seminars. Airfares will be economy class.
- (e) Car parking fees including airport or hotel parking.

**51 Expenses Approvals and Limits**

- (1) Registration and payment will be organised through the office of the Chief Executive Officer.
- (2) The Chief Executive Officer or delegate will assess and approve all professional development requests by Councillors on a case by case basis, aiming for an equitable use of Council resources.

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DIVISION 9 – TRAINING AND DEVELOPMENT

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- (3) The reasonable annual expenditure for attendance at conferences, professional development courses, study tours or training, directly related to Councillors' roles, will be provided for in Council's annual budget.
- (4) A Councillor proposing to undertake a training or development event with a total cost to Council, inclusive of accommodation and transport and all other reimbursable expenses, in excess of \$2,000 (plus GST) will require approval by resolution of Council at a meeting open to the public.
- (5) Councillors will discuss their desire to attend any interstate or overseas training or development events, with the Mayor and Chief Executive Officer, prior to any arrangements being made.
- (6) Any proposed international travel for Council business by a Councillor requires consideration by Council in an open meeting to resolve whether or not the travel is to take place. The proposal must include specific details regarding the objectives of the travel, its potential community benefits and detailed costing.
- (7) The costs of a partner accompanying a Councillor on a Council business trip will be borne by the Councillor unless it is approved by Council resolution having demonstrated that there is a bona fide business or representational purpose or necessity for the presence of the partner.

**52 Delegates Reports**

Within fourteen days of return from any conferences/professional development course/study

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DIVISION 10 – CIVIC REPRESENTATION

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tour/training approved by a resolution of Council, the Councillor must provide a written delegate's report for inclusion at the next practicable Ordinary Meeting of Council.

### **DIVISION 10 – CIVIC REPRESENTATION**

Introduction: This Division outlines appropriate resources and support available for the civic representation aspect of Councillors' roles.

#### **53 Local Events and Functions**

- (1) Attendance at local events and functions is a key part of a Councillor's representative role.
- (2) Councillors will carefully consider if their attendance at an event or function truly relates to their Council duties, and whether community resources should be used to pay for their attendance.
- (3) Councillors will avoid conflicts of interest or perceptions of conflicts of interest that may arise as a result of their attendance at events and functions, including the application of the applicable gifts threshold.
- (4) Councillors will act in accordance with the requirements of the Act and Council's Gifts, Benefits and Hospitality Policy.
- (5) Council will cover the cost for Councillors to attend paid events that—
  - (a) Are Council-organised or Council-sponsored; or
  - (b) Are held by councils, groups or organisations in the Rural City of

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DIVISION 10 – CIVIC REPRESENTATION

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Wangaratta or the Hume Region and have a 'demonstrable benefit' to the local community; or

- (c) Melbourne-based events hosted by key community partners or stakeholder organisations, where an official invitation is received and the Councillor has been invited in an official capacity; and
  - (d) Are not incongruent with any Council policies or resolutions and attendance can reasonably be seen to support the achievement of Council's objectives.
- (6) All event registration and payment for Councillors will be organised through the office of the Chief Executive Officer.
  - (7) Council will only cover the cost of the ticket price, and any incidental expenses relating to transport, car parking or family care.
  - (8) The cost of a Councillor's partner or guest will not be covered by Council, and may constitute an applicable gift under the Act for the Councillor if accepted free of charge.

**54 Civic Functions**

- (1) All formal civic hosting, for example, Council hosting a visiting delegation, will be by approval through a Council resolution. The resolution will include the benefit to Council in providing the hosting function.
  - (2) Where insufficient notice is provided for Council to consider hosting a delegation, the Chief Executive Officer and the Mayor will determine whether the visit is to be approved.
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DIVISION 11 – LEGAL AND INSURANCE PROTECTION

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- (3) All approved civic hosting arrangements will be organised and paid for through the office of the Chief Executive Officer.

**55 Local Festivals and Events**

Councillors will be invited to attend any Council-run stalls at key local festivals and events, to engage with residents and visitors.

**DIVISION 11 – LEGAL AND INSURANCE PROTECTION**

Introduction: This Division outlines the legal and insurance protections, and support exemptions, for Councillors.

**56 Indemnity**

- (1) Section 76 of the Act requires that Council indemnifies all Councillors against actions and claims made while conducting their Council duties in good faith.
- (2) Councillors, do not have parliamentary privilege. A Councillor can be subject to civil action by a person who considers that the Councillor has defamed them or has acted in a way that improperly harms them, whether this occurs in the Council chamber or not including comments or actions made in a Council Meeting, to the media, at events, in hard copy or electronic publications such as emails, text messages or on social media or internet websites.
- (3) Councillors may have legal protection against defamation under 'qualified privilege' when undertaking their Council duties, however, only when comments are made by them in good faith and without malice.
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DIVISION 11 – LEGAL AND INSURANCE PROTECTION

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- (4) If a Councillor is subject to a civil action, he or she will have to deal with the matter as an individual even if Council is paying the legal costs. In some cases Council, or its insurers, may refuse to provide indemnity for a Councillor's actions or statement. This is because the action or statement was either not considered to have occurred in the course of performing a Council duty or to be done in good faith.
- (5) In the event a Councillor makes an intentional defamatory comment, Council will not provide resources to legally defend the Councillor, and the Councillor may face disciplinary action and/or could be sued.

**57 Legal**

- (1) Councillors will comply with all relevant laws and regulations and adhere to Council's confidentiality, legal and privacy obligations.
- (2) Any legal advice obtained on behalf of Council relating to Council matters will be procured by the Chief Executive Officer or be authorised by a Council resolution.
- (3) A Councillor may seek legal advice at their own expense but must not direct Council officers to do so on their behalf.
- (4) The following costs must be personally met by Councillors and cannot be the subject of reimbursement in any circumstance—
  - (a) The costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;

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DIVISION 11 – LEGAL AND INSURANCE PROTECTION

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- (b) The costs of legal representation, where approved by an Arbiter, in a Conduct Complaint matter;
- (c) The costs of legal representation, where approved by a Councillor Conduct Panel, in a Councillor Conduct Panel matter; or
- (d) The costs for legal work where the legal work is initiated, organised or commissioned by a Councillor.

**58 Insurance**

- (1) Councillors are covered under the following Council insurance policies while discharging, in good faith, their Council duties including attendance at meetings of external bodies as Council representatives—
  - (a) Public liability;
  - (b) Professional indemnity;
  - (c) Councillors and Officers liability; and
  - (d) Personal accident (accompanying partners are also covered).
- (2) Council will pay the insurance policy excess in respect of a claim made against a Councillor arising from carrying out their Council duties in good faith, where that claim is accepted by Council's insurers.
- (3) Council equipment provided to Councillors is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft. Councillors must provide

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PART 3 – COMMITTEE MEMBER SUPPORT

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information requested annually for insurance purposes, to ensure appropriate level of cover.

**59 Workcover**

- (1) A Councillor injured while carrying out their Council duties may be entitled to claim workers compensation under the *Accident Compensation Act 1985*.
- (2) Each workers compensation claim will be determined based on its individual circumstances and merit.
- (3) Councillors may make a workers compensation claim in accordance the *Accident Compensation Act 1985* and the relevant Council policies and procedures.

**PART 3 – COMMITTEE MEMBER SUPPORT**

Introduction: This Division sets out the support arrangements for members of council committees.

**60 Claims for Reimbursement by Members of Council Committees**

- (1) Council is not in the practice of reimbursing non-Councillor members of Council Committees for expenses incurred in their role as a Committee member except—
    - (a) In extraordinary circumstances; or
    - (b) In relation to the annual stipend paid to the non-Councillor members of Council's Audit Advisory Committee.
  - (2) For extraordinary circumstances to exist as provided for in clause 60(1)(a) those
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PART 4 – REIMBURSEMENT

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circumstances must have received prior approval from the Chief Executive Officer.

- (3) Claims for the reimbursement of expenses incurred when undertaking committee business by a member of a Council committee who is not a Councillor is subject to approval by the Chief Executive Officer.

### **PART 4 – REIMBURSEMENT**

Introduction: This Part sets out the exclusions to reimbursement of expenditure and procedures for claiming reimbursement.

#### **DIVISION 1 – REIMBURSEMENT EXCLUSIONS**

Introduction: This Division sets out the exclusions to reimbursement of expenditure by Councillors.

##### **61 Expenses Not Specified**

- (1) Any expenditure not specified in this Policy is the responsibility of the Councillor.
- (2) Claims for expenses other than those included in this policy will not be reimbursed, except in exceptional circumstances after approval by a resolution of Council.

##### **62 Claims outside Claim Period**

- (1) Council will not reimburse any claims made outside of the timeframes specified.
- (2) If a Councillor does not claim a particular expense within the designated timeframe, this cannot be claimed as an additional amount for another expense.

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DIVISION 2 – REIMBURSEMENT PROCEDURE

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**63 Legal Breaches**

Any expense arising from a breach of road, traffic, parking or other regulations or laws, including Council Local Laws, will not be reimbursed or funded in any way by Council.

**64 Family or Associates**

Council will not provide reimbursement for family members, personal guests or associates attending conferences, seminars, training, planning sessions, or corporate hospitality or events unless otherwise provided for in this Policy.

**DIVISION 2 – REIMBURSEMENT PROCEDURE**

Introduction: This Division concerns the protocol for reimbursement of business related expenses.

**65 Claim Period**

- (1) All claims for reimbursement must be submitted by Councillors on a monthly basis.
- (2) Claims must be made within three months of the date of service.
- (3) All claims for the financial year must be finalised and submitted by the end of the financial year excepting expenses incurred in the month of June, which must be claimed by the end of July.
- (4) Claims by a Councillor for a previous term must be finalised within one month of a Wangaratta Rural City Council election or by-election. After this time, the entitlement of the Councillor to claim the expense ceases.

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DIVISION 2 – REIMBURSEMENT PROCEDURE

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**66 Reimbursement Claims**

- (1) This clause also applies, as appropriate, to members of Council committees in regard to approved out-of-pocket expenses.
- (2) Claims are to be submitted on the Payment Request Form.
- (3) Claims should be accompanied by original receipts and/or tax invoices for any expenses claims which clearly identify the name of the payee and ABN where applicable.
- (4) If receipts cannot be produced, Councillors may be required to provide a statutory declaration.
- (5) Claims must include sufficient detail to demonstrate that the expense for which reimbursement is being claimed is a reasonable bona fide expense incurred while performing their Council duties.
- (6) Reimbursements will be paid by Electronic Funds Transfer to the Councillor nominated bank account unless exceptional circumstances apply.
- (7) The office of the Chief Executive Officer will process all claims and will, in the first instance, discuss any queries with the relevant Councillor.

**67 Councillors Reimbursing Council**

- (1) Itemised bills will be provided to each Councillor on a monthly basis.
- (2) Councillors will reimburse Council on a monthly basis.
- (3) A Councillor is only able to reimburse Council for personal expenses paid by Council, by—

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PART 5 – COUNCILLOR EXPENSE REPORTING

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- (a) Providing written authorisation to deduct the amount from their next allowance payment, or
  - (b) A Councillor making a payment via Council's Customer Service. A copy of the receipt must be provided to the office of the Chief Executive Officer by the Councillor.
- (4) Failure to reimburse Council for personal use that is deemed to be beyond reasonable limits will be considered a breach of this Policy.

**PART 5 – COUNCILLOR EXPENSE REPORTING**

Introduction: This Part outlines Council's reporting commitment to the community in relation to support expenses and statutory registers.

**68 Quarterly Reporting**

- (1) In the interests of accountability and transparency, all expenses or costs paid by Council on behalf of Councillors or reimbursed to Councillors will be publicly reported to Council on a quarterly basis. This will include quarterly and annual cumulative details of individual support expenses for items including—
  - (a) Travel;
  - (b) Child Care/Family Care;
  - (c) Conferences, Seminars, Training;
  - (d) Individual Memberships;
  - (e) Mobile Phone and Tablet (including replacement costs – unless faulty);

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PART 5 – COUNCILLOR EXPENSE REPORTING

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- (f) Events; and
  - (g) Photocopying.
- (2) This information will also be made available on Council's website for the current term of office.

**69 Public Inspection**

Under the Act, and in the interest of transparency and accountability, the following documents and registers relating to Councillors' Council duties will be made available for public inspection—

- (a) Details of current allowances fixed for Councillors; and
- (b) Details of overseas or interstate travel undertaken in an official capacity by Councillors in the previous twelve months.