



# Councillor Exit Procedure

<b>Procedure Owner</b>	Governance and Corporate Accountability Governance and Corporate Performance
<b>Creation Date</b>	July 2020
<b>Revision Date</b>	July 2024

Please check Council's Intranet to ensure this is the latest Revision

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## **PURPOSE**

To provide guidelines for the exit process for departing Councillors at a general election or when a Councillor elects to resign during a term of Council and set expectations for ongoing obligations, allowances, expenses and the return of Mitchell Shire owned equipment and property.

## **SCOPE**

The policy applies to all Councillors.

## **PROCEDURE**

Good governance depends in part on Councillors having a good understanding of what they can and can't do under the *Local Government Act 2020* (the Act). Councillors who are not returned to Office or elect to resign mid-term continue to have ongoing obligations and responsibilities under the Act.

This Procedure aims to enhance the understanding of Councillors to ensure ongoing good governance practice at Mitchell Shire Council.

### **1. Ongoing Obligations**

#### **Misuse of Position**

Misuse of position not only impacts on good governance but can also be unlawful. Section 123 of the Act not only applies to Councillors who hold Office but to a person who has been a Councillor or member of a delegated committee.

A Councillor must not use their position to gain or attempt to gain an advantage for themselves, or anyone else. Similarly, they must not disadvantage or seek to disadvantage Council or anyone else. The disclosure of information that is confidential is strictly prohibited.

There are serious penalties for current and former Councillors who misuse their position which include up to 600 penalty units and up to five years' imprisonment.

### **2. Councillor Allowances**

Mayors and Councillors are entitled to receive an allowance while performing their duty as an elected official and are paid a month in advance. The Victorian Independent Remuneration Tribunal sets the amount of the allowance payable to Mayors, Deputy Mayors and Councillors.

Following a resignation of a Councillor or the retirement of Councillors at a general election, the allowance payment will be calculated and adjusted accordingly to ensure that no overpayment is made.

In the event of a resignation being received after an allowance payment has been paid, the Councillor will be required to reimburse Mitchell Shire Council for any overpayment in allowance made.

### **3. Reimbursement of Expenses**

In accordance with Section 29 of the Act, all Councillors are to go out of Office at 6.00am on Election Day. The term of Office of a Councillor elected at a general election commences at 6.00pm on the day of the general election. The new Council will commence once the declaration of the poll has taken place.

Reimbursement of Councillors' out-of-pocket expenses before and during an election period will apply only to costs that have been incurred in the performance of duties as a Councillor. Expenses that could be perceived as supporting or connected with a candidate's election campaign will not be reimbursed.

Councillors should submit any expenses for reimbursement no later than the last fortnight of the council term.

### **4. Return of Council Property**

As Councillors must continue to perform their elected role during an election period, they will, as a matter of course, receive all necessary information and equipment for them to fulfil that role. Following the declaration of results for a general election or a resignation, the Councillor/s must return all Mitchell Shire Council owned property as follows:

#### **Equipment**

The following equipment, as is applicable, is to be returned in good working order:

- mobile telephone
- tablet devices
- printer
- headphones/ headsets
- all building keys
- security access card.

Before returning equipment, the Councillor must ensure that all personal information including photographs are removed from all devices.

The Councillor will be required to reimburse Mitchell Shire Council for any device or accessory declared damaged or lost. At the end of the Council term, outgoing Councillors will have the opportunity to purchase equipment that is surplus to Council's needs.

## **Stationary and Corporate Apparel**

- business cards
- compendiums and laptop bags
- name badges
- Mitchell Shire council branded corporate apparel.

## **Council Documentation and Papers**

- Confidential information  
All documents, plans and papers declared confidential.
- Non-confidential information  
Information publicly available may be retained by the Councillor or it can be returned to Council for recycling.

## **Office of the Mayor**

- mayoral vehicle
- vehicle accessories
- logbook
- fuel card
- car keys.

The Mayoral vehicle is to be returned in a clean and orderly state.

## **5. Related Documents**

Council IT Equipment Policy  
Election Period Caretaker Policy  
*Local Government Act 2020*  
Council Expense Policy