



# Council Member Allowances & Benefits Policy

<b>Responsible Officer</b>	Chief Executive Officer
<b>Relevant Delegations</b>	Director Corporate Services
<b>Legislation and References</b>	Local Government Act 1999 Local Government (Members Allowances and Benefits) (Regulations 2010) Council Member Induction & Training Policy <i>Income Tax Assessment Act 1997</i> of the Commonwealth

## 1. Introduction

This Policy summarises the provisions of the Act and Regulations in respect to Council Members Allowances, the provision of facilities and support, reimbursement of different types of expenses, the circumstances in which the expenses will be reimbursed and what benefits Council Members receive that must be recorded for the purposes of maintaining the Council's Register of Allowances and Benefits.

This Policy is underpinned by the following principles:

- Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- To assist Council Members in performing or discharging their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this policy.
- Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties, which will be assessed according to the role of a Council Member under the Local Government Act.
- Council encourages continued professional training and development for Council Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
- The accountability of the Council to its community for the use of public monies.
- To ensure Council Member allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council are compliant with the *Local Government Act 1999* and *Local Government (Members Allowances and Benefits) Regulations 2010*.

## 2. Council Members Allowances

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# Council Member Allowances & Benefits Policy

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the Local Government Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is to:

- (i) participate in the deliberations and civic activities of the Council;
- (ii) keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
- (iii) keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

This Policy applies to all Members of Council, who have an obligation to follow the process and procedures set by this policy.

Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.

An allowance determined by the Remuneration Tribunal will take effect from the conclusion of the relevant periodic election.

Council Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.

In accordance with regulation 4 of the Regulations, (and for the purposes of section 76 of the Local Government Act), Council Members Allowances and Time Travel Allowance will be paid in instalments up to 3 months in advance by electronic funds transfer to a nominated bank account.

All other Allowances and reimbursements are paid quarterly in arrears in December, March, June and September.

Allowances for the Council Members elected at the November 2022 elections for Clare & Gilbert Valleys Council are as follows:

Mayor	:\$61,524
Deputy Mayor	:\$19,226
Council Member	:\$15,381

## Travel Time Payment

Pursuant to the determination made by the Remuneration Tribunal, Council Members (excluding Mayor) of non-metropolitan Councils are eligible for payment for a travel time payment where the Council Member's:

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- a) usual place of residence is within the relevant Council area and is located **at least 30kms but less than 50km** distance from their Council's principal office, via the nearest route by road - \$454 per annum
- b) usual place of residence is within the relevant Council area and is located **at least 50km but less than 75km** distance from their Council's principal office, via the nearest route by road - \$775 per annum;
- c) usual place of residence is within the relevant Council area and is located **at least 75km but less than 100km** distance from their Council's principal office, via the nearest route by road - \$1,162 per annum
- d) usual place of residence is within the relevant Council area and is located **100km or more** distance from their Council's principal office, via the nearest route by road - \$1,649 per annum;

If eligible, this payment is made to a Council Member in addition to any entitlement to reimbursement of expenses incurred.

### 3 Mandatory Reimbursements – Travel (Section 77(1)(a))

Council Members are entitled to receive reimbursement for travelling expenses incurred by the Council Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the Local Government Act).

A “prescribed meeting” is defined under the Regulations to mean a meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member:

- reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Local Government Act. For reimbursement for travel outside the Council area refer to “Prescribed and Approved Reimbursements” below.
- an ‘eligible’ journey means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.
- where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth.
- travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’, but is still limited to ‘eligible journeys’ by the shortest or most practicable route and to the part of the journey that is within the Council area.

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## 4 Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a))

Council Members are entitled to reimbursement for child/dependent care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member's attendance at a prescribed meeting.

Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

To receive reimbursement for such prescribed expenses (travel and child/dependent care) each Council Member is required to complete a Travel Claim Form quarterly, December, March, June, September.

## 5 Prescribed and Approved Reimbursements (Section 77(1)(b))

There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.

Section 77(1)(b) of the Local Government Act provides that the Council (meaning the Council as the governing body) may approve the reimbursement of additional expenses as set out in the Regulations incurred by Council Members, either on a case-by-case basis or under a policy adopted by Council. This Policy sets out the types of approved expenses that may be reimbursed.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependent care expenses associated with attendance at a prescribed meeting.

Regulation 6 of the Regulations sets out the types of additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council. These are:

- an expense incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
- travelling expenses incurred by the Council Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the Local Government Act);
- travelling expenses incurred by the Member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the Council;
- expenses for the care of:
  - (i) a child of the Member; or
  - (ii) a dependent of the Member requiring full-time care

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incurred by the Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the Local Government Act); and

- expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of a Council Member (other than for which the member is reimbursed under section 77(1)(a) of the Local Government Act).

For the purposes of this Policy, and pursuant to section 77(1)(b) of the Local Government Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

### **6 Travelling Expenses (In addition to those eligible under Section 77(1) (a) Local Government Act 1999**

Pursuant to section 77(1)(b) of the Local Government Act the Council approves reimbursement of expenses which are incurred by a Council Member in travelling:

- to a function or activity on the business of the Council and
- in undertaking an eligible journey to the extent those expenses are attributable to travel outside the area of the Council.
- Travel relates to attendance at a Council or Council committee meeting being an "eligible journey" (as defined in Regulation 3), as it is attributable to travel outside the Council area

Council Members will receive reimbursement for expenses incurred in travelling to a function or activity on Council business. The following conditions apply to these expenses:

- travel both within and outside the Council area must be incurred by the Council Member as a consequence of attendance at a function or activity on the business of Council. A 'function or activity on the business of the Council' includes official Council functions including Mayoral/Chairperson receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc.; inspection of sites within the Council area which relate to Council or Committee agenda items; meetings of community groups and organisations as a Council representative – but not to attend meetings of community groups or organizations when fulfilling the role as a member of the Board of any such community group or organisation.
- reimbursement is restricted to the shortest or most practicable route.
- where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.

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- car parking fees will be reimbursed (where they are a consequence of a Council Member attending a function or activity on the business of the Council)
- travel by taxi, bus, plane (specify in what circumstances) or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Member's attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route.

Note: Expenses will only be reimbursed for attendance at conferences, seminars that have been approved by Council.

## 7. Care and Other Expenses

Pursuant to section 77(1)(b) of the Local Government Act the Council approves reimbursement of:

- Expenses incurred for the care of a child of a Council Member or a dependent of the Council Member requiring full time care as a consequence of the Council Member's attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the Local Government Act.
- Expenses incurred by the Council Member as a consequence of the Council Member's attendance at a conference, seminar, training course or other similar activity that is directly or closely related to the performance or discharge of the roles or duties of the Council Member (other than expenses for which the Member is reimbursed under section 77(1)(a) of the Local Government Act). Expenses will only be reimbursed for attendance at conferences, seminars, etc. which have been approved by Council or under policy, e.g. under Council's "Council Member Training and Induction Policy". Where attendance at the conference, seminar etc. is approved the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking.

## 8. Communication Allowance and Facilities / Support

Pursuant to section 77(1)(b) of the Local Government Act the Council approves reimbursement of:

Expenses incurred in the use of a telephone, internet, facsimile or other communication device on the business of the Council, e.g. Internet connection costs, computer software, applications for iPad, printer cartridge, contribution towards mobile telephone account to the value of \$50 per month

In addition to allowances and the reimbursement of expenses, the Local Government Act provides that the Council can provide facilities and forms of support for use by its Council

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Members to assist them to perform or discharge their official functions and duties (section 78).

The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties. In approving the provision of facilities and support section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Mayor set out below (if any).

Pursuant to section 78 of the Local Government Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:

- Apple Ipad or Bring Your Own Device
- Business Cards

The provision of these facilities and support are made available to all Council Members (including the Mayor) under the Local Government Act on the following basis:

- they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties;
- the facilities remain the Council's property regardless of whether they are used off site or not; and
- they are to be used for limited private purpose only ( refer to Council Member Information Technology Policy)

In addition to the above, Council has resolved to make available to the Mayor (and to any acting Mayor appointed during the Mayors absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- Apple Iphone
- Apple Ipad or Bring Your Own Device
- Business Cards
- Office Space
- Personal Assistant

In addition, although not required by the Local Government Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;

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- all facilities must be returned to the Council at the end of each term in office, upon the office of a Member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
- if the facilities provided to the Council Member are damaged or lost the Council Member must lodge a written report with the Director Corporate Services.

The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the Local Government Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Local Government Act.

## 9. Other Reimbursements

Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

## 10. Claims for Reimbursement

To receive reimbursement for expenses each Council Members is required to submit a claim to the Director Corporate Services.

Council Members are required to provide details of kilometres travelled and or evidence of expenses incurred to support all reimbursements claimed.

Reimbursements of expenses will only be paid to a Council Member upon presentation of adequate evidence supporting the claims made.

For the purposes of administrative efficiency Council Members are requested to submit a claim on a quarterly basis in arrears.

## 11 Register of Allowances and Benefits

Pursuant to section 79(1) and (2) of the Local Government Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of—

- (a) the annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
- (b) any expenses reimbursed under section 77(1)(b) of the Local Government Act (in the case of section 79(1)(b)); and
- (c) other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- (b) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),

on a quarterly basis (see regulation 7 of the Regulations).

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Reimbursements paid under section 77(1)(a) of the Local Government Act are not required to be recorded in the Register.

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members.

Accordingly, the Chief Executive Officer will update the Register each quarter and therefore each Council Member is required to provide his or her claim form for reimbursement to Corporate Services on the last business day of each quarter.

The Register of Allowances and Benefits must be published on a website determined by the Chief Executive Officer. The Register is published on [www.claregilbertvalleys.sa.gov.au](http://www.claregilbertvalleys.sa.gov.au).

## 12 Review & Availability

This Policy, in its entirety, will automatically lapse at the next general election of this Council, at which time the newly elected Council will be required to adopt a new policy dealing with Council Members Allowances and Benefits.

This policy is available on Council's website [www.claregilbertvalleys.sa.gov.au](http://www.claregilbertvalleys.sa.gov.au).

## 13 Document History

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	15/08/2011	Adopted by Council MB181/11
CGVC	16/11/2015	Reviewed by Council
CGVC	26/11/2018	Reviewed and Adopted by Council
CGVC	30/11/2022	Reviewed and Adopted by Council

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