

Elected Members Allowances and Benefits Policy

Classification	Council Policy		
Responsible Officer	Chief Executive Officer		
Relevant Legislation	<ul style="list-style-type: none"> - Section 76, 77, 78, 79 Local Government Act 1999 - Local Government (Members Allowances and Benefits) Regulations 2010 - Income Tax Assessment Act 1997 (Cth) 		
Related Policies	<ul style="list-style-type: none"> - Elected Member Training and Development Policy - Social Media Policy 		
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1. Introduction

- 1.1. The Corporation of the Town of Walkerville will ensure that the payment of Elected Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the Local Government Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Allowances Regulations).
- 1.2. This Policy sets out the provisions of the Local Government Act and Allowances Regulations in respect of Elected Member allowances, expenses, benefits and support. This Policy is also provided in accordance with Section 77(1)(b) of the Local Government Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

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

- (i) to act with integrity;
- (ii) to ensure positive and constructive working relationships within the council;
- (iii) to recognise and support the role of the principal member under the Local Government Act;
- (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body;
- (v) to participate in the deliberations and activities of the council;
- (vi) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and
- (vii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;
- (viii) to ensure, as far as is practicable, that the principles set out in section 8 of the Local Government Act are observed;
- (ix) to participate in the oversight of the chief executive officer's performance under the council's contract with the chief executive officer; and
- (x) to serve the overall public interest.

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Section 58 of the Local Government Act specifies the role of the Principal Member as leader of the Council is to:

- (a) to provide leadership and guidance to the council; and
- (b) to lead the promotion of positive and constructive working relationships among members of the council; and
- (c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
- (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- (e) to preside at meetings of the council; and
- (f) to liaise with the chief executive officer between council meetings on the implementation of a decision of the council; and
- (g) to act as the principal spokesperson of the council; and
- (h) to exercise other functions of the council as the council determines; and
- (i) to carry out the civic and ceremonial duties of the office of principal member.

This Policy also explains the information that must be recorded within the Council's Register of Allowances and Benefits to ensure compliance with section 79 of the Local Government Act.

This Policy, in its entirety, will automatically lapse at the next general election of this Council.

2. Policy Objective

- 2.1. This policy ensures that Elected Member allowances, the reimbursement of expenses, and the provision of benefits, facilities and support by the Council are in accordance with the requirements of the Local Government Act and the Allowances Regulations.

3. Scope and Responsibilities

- 3.1. This Policy applies to all Elected Members, who each have an obligation to abide by this Policy.
- 3.2. The Council's Chief Executive Officer has the duty to:
 - 3.2.1. maintain the Register of Allowances and Benefits;

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3.2.2. ensure copies of this Policy are published on a website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.

3.2.3. Adjust allowances paid to Elected Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index “(CPI)”))

3.3. In addition, the Chief Executive Officer is responsible for:

3.3.1. implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure; and

3.3.2. ensuring a copy of this Policy is provided to all Elected Members.

4. Definitions

Conclusion of the Election	Means the time at which the last result of the periodic elections is certified by the returning officer under the Local Government (Elections) Act 1999.
Eligible Journey	Means a journey, in either direction, between the principal place of residence, or a place of work, of an Elected Member and the place of a prescribed meeting provided that the journey is by the shortest and most practical route.
Prescribed Meeting	Means 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 an Elected Member.
Prescribed and Non Prescribed Committees	Are the classifications applied by the Remuneration Tribunal for the purpose of determining the allowance to be paid to the Presiding Member of a Council Committee.
Relative	is defined in S4 of the LG Act as a: <ul style="list-style-type: none"> • spouse or domestic partner; • parent or remoter lineal ancestor; or • son, daughter or remoter descendant; or • brother or sister; or • a stepfather, stepmother, stepson or stepdaughter; or • any member of the person's family who resides in the member's household.
Remuneration Tribunal	Means the Remuneration Tribunal of South Australia.

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5. Policy Statement

- 5.1 This Policy is underpinned by the following principles:
 - 5.1.1. While always being mindful of minimising costs to ratepayers, Elected Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
 - 5.1.2. In order to assist Elected 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.
 - 5.1.3. Facilities and support provided to Elected Members will be provided on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor.)
 - 5.1.4. Any reimbursements claimed by Elected 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 an Elected Member under the Local Government Act.
 - 5.1.5. Council encourages continued professional training and development for Elected Members. This is seen as being necessary in terms of good governance and to the improved performance of their ability to undertake their functions and duties.
 - 5.1.6. The accountability of the Council to its community for the use of public monies.

6. Allowances

- 6.1. Elected Member allowances are determined by the Remuneration Tribunal on a four-yearly basis with each determination required to be made 14 days before the close of nominations for each set of periodic elections held under the *Local Government (Elections) Act 1999*.
- 6.2. The relevant determination for the Council term commencing in November 2022 is *Determination No. 2 of 2022 – Allowances for Members of Local Government Councils*.
- 6.3. The annual allowance for an Elected Member is determined according to the relevant Council group as determined by the Remuneration Tribunal. There are six Council Groups to which the Town of Walkerville has been categorised in Group 4. The Remuneration Tribunal has determined that that the Elected Member's allowance for Council's in Group 4 to be \$10,955 annually.
- 6.4. The allowance determined by the Remuneration Tribunal will be payable for the

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period commencing on the conclusion of the 2022 periodic election and concluding at the time the last result of the 2026 periodic election is certified by the Electoral Commissioner under the *Local Government (Elections) Act 1999*.

- 6.5. Council Member allowances are to be adjusted on the first, second, and third anniversaries of the relevant periodic elections to reflect changes in the CPI (All groups index for Adelaide). Adjustments will occur on 10 November 2023, 10 November 2024, and 10 November 2025. The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).
- 6.6. The annual allowance for:
 - 6.6.1. the Principal Member (Mayor), is equal to four times the annual allowance for Elected Members
 - 6.6.2. The annual allowance for an Elected Member who is a Deputy Mayor or the presiding member of a prescribed committee or more than one prescribed committees established by Council, will be equal to one and a quarter (1.25) times the annual allowance. For the purpose of this clause, the level of allowance is payable at a maximum of 1.25 times only and does not multiply for each of the qualifying criteria.
- 6.7. An additional allowance in the form of a sitting fee is payable to an Elected Member (other than the principal member, deputy mayor, deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee that is not a prescribed committee at the rate of \$123 per meeting limited to an aggregate amount of allowance of \$731 per annum.
- 6.8. Elected Member allowances will be paid monthly in arrears by electronic funds transfer to a nominated bank account.
- 6.9. A statement of earnings will be provided to Council Members at the conclusion of each financial year.
- 6.10. An Elected Member who holds office for part of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period (s 76(11) of the Local Government Act).
- 6.11. An Elected Member may decline to receive to receive their payment of an allowance in accordance with s 76(12) of the Local Government Act.

7. Leave of Absence

If a Council Member stands as a candidate for election as a member of State Parliament, section 55A of the Local Government Act automatically grants a leave of absence from the

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date on which nominations for the relevant election close until the result of the election is publicly declared.

During the leave of absence period the Council Member:

- is not entitled to receive any Council Member allowance or reimbursement of expenses; and
- must not use any facility, service or other form of support provided by the Council; and
- must not carry out any function or duty as a Council Member.

A maximum penalty of \$15,000 applies for a breach of this section of the Local Government Act.

8. Mandatory Reimbursements – Travel (Section 77(1)(a))

- 8.1. Elected Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the Local Government Act).
- 8.2. A “prescribed meeting” is defined under the Allowances Regulations to mean a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member:
- 8.3. 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 the 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.
- 8.4. An “eligible journey” means a journey (in either direction) between the principal place of residence, or a place of work, of an Elected Member, and the place of a prescribed meeting.
- 8.5. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25

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of the Income Tax Assessment Act 1997 of the Commonwealth¹.

- 8.6. 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.
- 8.7. The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on a monthly basis.

9. Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a))

- 9.1. Council Members are entitled to reimbursement for child/dependant care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member’s attendance at a prescribed meeting.
- 9.2. Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

10. Additional Expense Reimbursements (Section 77(1)(b))

There may be additional expenses incurred by Council Members (not included in the mandatory reimbursements outlined above) that can be reimbursed by the Council. S 77(1)(b) of the Local Government Act provides that Council may approve the reimbursement of additional expenses incurred by Elected Members, as provided for in the Allowances Regulations, either on a case-by-case basis or under a policy adopted by Council.

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

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

Council approves reimbursement of expenses incurred by an Elected Member as a consequence of the Elected Member’s attendance at an approved training and development activity that is directly or closely related to the performance or discharge of the roles or duties of the Member. Expenses will only be reimbursed for attendance at training and development activities which have been approved and arranged by Council. The following conditions apply to these expenses:

¹ Section 28.25 of the *Income Tax Assessment Act 1997* (Cwth) relates to the ‘cents per kilometre’ method. The Commissioner for Taxation may, by legislative instrument, determine rates of cents per kilometre for cars for an income year. Refer to ato.gov.au for cents per kilometre rates.

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- Travel both within and outside the Council area must be incurred by the Elected 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 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 organisations 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 an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth.
- 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.

11. Claims for Reimbursements

- 11.1. Claims for reimbursement, other than vehicle expenses, can only be made with the submission of a tax invoice. An ABN number must be displayed on the tax invoice to comply with Goods and Services Tax (GST) requirements and submitted on the relevant form.
- 11.2. Claims for reimbursement are to be submitted attention to the Chief Executive Officer via email to: executive@walkerville.sa.gov.au. Claims for reimbursement are to be received within 30 days of the date of expenditure, via the Claim for Reimbursement Form 1 or Form 2 dependant on the nature of the reimbursement.

9. Provision of Facilities and Support - Elected Members

- 9.1 In addition to allowances and the reimbursement of expenses, s78 of the Local Government Act provides that the Council can provide facilities and forms of support for use by its Elected Members to assist them to perform or discharge

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their official functions and duties.

9.2 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 Elected Members to assist them in performing or discharging their official functions and duties:

- An iPad Pro, including protective case and cover
- Technical Support (provided by Council's IT Service provider)
- Copy paper as requested
- Business Cards on an 'as needs basis'
- A name badge
- Annual influenza immunization.

Note: Correspondence relating to Council business may be given to the Administration for posting.

The provision of these facilities and support are made available to all Elected Members (including the Mayor) on the following basis:

- the facilities remain the Council's property regardless of whether they are used off site or not; and
- they are not to be used for a private purpose or any other purpose unrelated to official Council functions and duties, unless such usage has been specifically pre-approved by the Council and the Elected Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

10. Provision of Additional Facilities and Support - Mayor

10.1 In addition to the above, Council makes available to the Mayor the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- Access to facilities and services to assist in the performance of Mayoral duties as and where required
- Mobile telephone
- Cab Charge Card for travel expenses as per Section 77(1)(a) and Section 77(1)(b) as defined in this Policy
- Administrative assistance as required

11. Conditions for the Use of Facilities and Support

11.1 Council has also determined that the provision of facilities and support are made available to Elected Members on the following terms:

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- Each Elected Member is solely responsible for those items issued into their care and/or control for the duration of their term in office.
- All facilities must be returned to the Administration 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 items provided to the Elected Member are damaged or lost the Elected Member must lodge a written report with the Chief Executive Officer.

11.2 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.

12. Other Reimbursements

12.1 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.

13. 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 an Elected 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
- d) 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 Allowances Regulations).

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

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14. Review and Evaluation

- 14.1 This Policy will lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances, reimbursements and benefits for their term in office (s77(2) Local Government Act).

15. Policy Availability

- 15.1 This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website www.walkerville.sa.gov.au
- 15.2 Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.