

Policy Reference Number:	2.8
Classification:	Legislative
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Next Review Date:	December 2026
Responsible Officer:	Chief Executive Officer
Approved by:	Council Resolution
Applicable Legislation:	Local Government Act 1999
Related Policies, Procedures and Standards:	

1. POLICY STATEMENT

Council is committed to ensuring that the payment of Elected Member allowances, the reimbursement of expenses, and the provision of benefits is accountable and transparent, and in accordance with the Local Government Act 1999 and Local Government (Members Allowances and Benefits) Regulations 2010.

This policy is to outline the process and procedure for Elected Members to obtain allowances, the reimbursement of expenses, and the provision of benefits. This Policy is provided in accordance with section 77(1)(b) of the Local Government Act by specifying the types of expenses that will be reimbursed '*...under a policy established by the council...*'.

2. ROLE OF A COUNCIL MEMBER

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

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

3. ROLE OF THE PRINCIPAL MEMBER

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

- to provide leadership and guidance to the council; and
- to lead the promotion of positive and constructive working relationships among members of the council; and
- 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
- to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- to preside at meetings of the council; and
- to liaise with the chief executive officer between council meetings on the implementation of a decision of the council; and
- to act as the principal spokesperson of the council; and
- to exercise other functions of the council as the council determines; and
- to carry out the civic and ceremonial duties of the office of principal member.

4. SCOPE AND RESPONSIBILITIES

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

Council's Chief Executive Officer has the duty to:

- implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure;
- maintain the Register of Allowances and Benefits;
- adjust allowances paid to Council Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index (CPI);
- ensure copies of this policy are published on Councils website, available for inspection and purchase by the public at the principal office of the Council; and
- ensure a copy of this policy is provided to all Elected Members.

5. PRINCIPLES

This Policy is underpinned by the following principles:

- this Policy will apply to all Elected Members.
- elected Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- 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.
- any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging official Council functions and duties, which will be assessed according to the role of the Elected Member under the Local Government Act.
- 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 functions and duties.
- the accountability of the Council to its community for the use of public monies.
- facilities and support provided to Council Members will be provided on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).

6. ALLOWANCES

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.

The allowance determined by the Remuneration Tribunal will be payable for the 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.

The annual allowance for a Council Member is determined according to the relevant Council Group. There are six Council Groups which are each explained within the Determination of the Remuneration Tribunal.

The District Council of Robe has been identified as falling within Group 5 in the current Remuneration Tribunal Determination.

The annual allowance for:

- principal members, is equal to four times the annual allowances for council members; and
- deputy mayor of a council member who is the presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for council members.

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).

In accordance with regulation 4 of the Allowances Regulations (and for the purposes of section 76 of the Local Government Act), an allowance may be paid in instalments up to three months in advance or three months in arrears of each month in respect of which an instalment is payable.

In accordance with Determination 5 of the Remuneration Tribunals 'Allowances for Members of Local Government Councils':

- A deputy Mayor who undertakes the duties of a Mayor for a period of one month or longer, is entitled to receive the Mayor allowance for the entirety of the time they undertake those duties;
- The mayor allowance is to be paid instead of the member's usual allowance, and in proportion to the time the member performs the relevant duties.

7. LEAVE OF ABSENCE – COUNCIL MEMBER CONTESTING ELECTION

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 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. TRAVEL REIMBURSEMENTS

Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily 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 Allowances Regulations to mean:

- a meeting of the Council or Council committee;
- an information or briefing session;
- discussion, workshop, training course; or
- a similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member.

This allowance recognises travel time from an Elected Member’s place of residence to the Council office and is calculated on the kilometres travelled.

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|--------------------------------|---------------|
| • 30 kms but less than 50kms | \$ 454 p.a. |
| • 50 kms but less than 75 kms | \$ 775 p.a. |
| • 75 kms but less than 100 kms | \$ 1,162 p.a. |
| • 100 kms or more | \$ 1,649 p.a. |

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 ie 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 (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.
- 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.

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

9. CHILD/DEPENDENT CARE REIMBURSEMENTS

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.

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

10. ADDITIONAL EXPENSE REIMBURSEMENTS

There may be additional expenses incurred by Council Members (not included in the mandatory reimbursements outlined above) that can be reimbursed by the Council. Section 77(1)(b) of the Local Government Act provides that the Council may approve the reimbursement of additional expenses incurred by Council 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 following additional expenses that may be reimbursed under section 77(1)(b):

- an expense incurred in the use of a telephone 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:
 - a child of the Member; or
 - a dependent of the Member requiring full-time care
- 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).

11. FACILITIES

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

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:

- Business cards (Mayor only)
- Stationery, as required (e.g. Letterheads, envelopes)
- Scanning use at Council Office
- Photocopying, as required
- Laptop
- Use of the elected member area contiguous with the Chamber, as required
- Access to a Council vehicle for 'eligible journeys'

The provision of these facilities and support are made available to all Council Members (including the Principal Member) 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 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 Council Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

12. CLAIMING REIMBURSEMENTS

To receive reimbursement for expenses, each Council Member is required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. For the purposes of administrative efficiency, Council Members are to submit to the Chief Executive Officer on the forms provided for this purpose on a quarterly basis. Reimbursement of expenses will only be paid to an Elected Member upon presentation of the form/s and adequate evidence supporting the claims made.

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—

- the annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
- any expenses reimbursed under section 77(1)(b) of the Local Government Act (in the case of section 79(1)(b)); and
- other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- 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.

14. FURTHER INFORMATION

The Register is available for inspection at the Council office during ordinary business hours. An extract from the Register will also be provided to interested members of the community upon request, and upon payment of a fee as fixed by the Council at its discretion.

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.robe.sa.gov.au

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email council@robe.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

15. POLICY REVIEW

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).

Elected Member allowances are determined by the Remuneration Tribunal on a four yearly basis. 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 Members' allowances, reimbursements, and benefits for their term in office (section 77(2) Local Government Act).

**District Council of Robe
Elected Member's Reimbursement Form 1**

Name: _____

Period: _____

Total Reimbursement Claim Amount: \$ _____

Reimbursement of Council approved expenses (Refer to section 77(1)(b) of the Local Government Act 1999 and Regulation 5 of the Local Government (Members Allowances and Benefits) Regulations 2010 and the Elected Member's Allowances and Benefits Policy).

1. Travel Expenses

Date of Travel	Council Function or Business Attended	Mode of Transport	Distance Travelled (km) if motor vehicle

Details of your motor vehicle

Model and make: _____

Engine size: _____

Total number of kilometres for reimbursement claim: _____

Bus and/ or taxi costs and associated receipts (please attach)

Reimbursement claim: \$ _____

2. Care Expenses

Name of Child/Dependent	Date of Care	Council Function or Business Attended	Hours of Care Provided	Care Provider

Reimbursement claim: \$_____

3. Telephone, Mobile, Internet (please attach copies of the applicable account/s)

Reimbursement claim: \$_____

4. Conference, Seminar or Training Course (please attach copies of all receipts)

Date	Council Functions or Business Activity	Location of Function or Business Activity

Reimbursement claim: \$_____

Please remember to attach all paperwork supporting your claim.

I, _____ <print name> confirm that the above claims for reimbursement are true and accurate and are made in accordance with s. 77(1)(a) of the Local Government Act 1999 and Regulation 5 of the Local Government (Members Allowances and Benefits) Regulations 2010.

Signature Elected Member:

Date:

FOR OFFICE USE ONLY

Signature of CEO:

Date:

Claim entered and processed by administration: YES / NO

Date: