

***Elected Member  
Allowances and  
Benefits Policy***

<b>Policy Reference Number:</b>	2.8
<b>Classification:</b>	Legislative
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<b>Responsible Officer:</b>	Chief Executive Officer
<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i>
<b>Relevant Policies:</b>	
<b>Related Procedures:</b>	
<b>Compliance Standard:</b>	Section 76, 77, 78 & 79 Local Government Act 1999

**Purpose**

This policy has been developed and adopted primarily to accommodate section 77(1)(b) of the Local Government Act 1999 by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made. It outlines the process and procedure for Elected Members to obtain reimbursement of those expenses. In addition, this policy covers payment of annual allowances to Elected Members, the provision of facilities and support and the basis on which these are made available.

The District Council of Robe will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable and transparent, and in accordance with the Local Government Act 1999 (the Act) and Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations).

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 participate in the deliberations and civic activities of the Council;
- ✎ To keep the Council's objectives and policies under review to ensure that they are appropriate and effective;
- ✎ To keep 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 are observed.

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

Elected Member allowances are determined by the Remuneration Tribunal on a four yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999 (section 76 LG Act). An allowance determined by the Remuneration Tribunal will, take effect from the first ordinary meeting of the Council held after the conclusion of the relevant periodic election. Elected 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.

### 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 their official Council functions and duties, which will be assessed according to the role of the Elected Member under the 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.

### Roles 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:

- ⌘ Implement expense reimbursement procedures in accordance with the Act, the Regulations and this Policy.
- ⌘ Maintain the Register of Allowances and Benefits.
- ⌘ Initiate a CPI review of allowances paid to Elected members (to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the CPI under the scheme prescribed by the Regulations). For the purpose of section 76(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the CPI for the September quarter last occurring before the date on which the allowance is to be adjusted by the CPI for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar).
- ⌘ Ensure copies of this policy are available for inspection and purchase by the public at the principal office of the Council.
- ⌘ Ensure a copy of this policy is provided to all Elected Members.

### Entitled Allowances and Reimbursements

#### Allowances

Pursuant to Section 76 of the Act, Elected Members are entitled to receive an annual allowance for performing and discharging their official functions and duties, as determined by the Remuneration Tribunal. The Remunerations Tribunal must make determinations under this section on a four yearly basis before the designated day in relation to each set of periodic elections held under the local Government (Elections) Act 1999.

The Chief Executive Officer must ensure that a record (the Register of Allowances and Benefits) is kept in which is entered, the reimbursement of expenses incurred in performing or discharging official functions and duties. These annual allowances will be paid on a quarterly basis in advance. Allowances for the Elected Members elected at the November 2018 elections are as follows:

- ⌘ Mayor \$26,000 per annum
- ⌘ Deputy Mayor \$8,125 per annum
- ⌘ Elected Members \$6,500 per annum

A member of a council who holds an office for part only 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) LG Act). An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance). (s 76(12) LG Act).

Elected Members finishing their term of office should receive their allowances until their term expires – this is at the conclusion of the elections (ie. when the Electoral Commission of SA makes the final declaration of the results of the elections).

New Elected Members should commence their allowance, as specified under Section 76(8) of the Act from the date of the first ordinary meeting of the 'new' Council.

#### Travel Time Allowance for Members of Non-Metropolitan Councils

The District Council of Robe is a non-metropolitan Council and the following travel time allowance (approved October 2018) is payable if the Elected Member's usual place of residence is within the Council area and is located a certain distance from Council's principle office via the most direct road route:

• At least 30kms but less than 50kms	\$410
• At least 50kms but less than 75kms	\$700
• At least 75kms but less than 100kms	\$1,050
• 100kms or more	\$1,490

#### Travel and Child/ Dependent Care

In addition to the allowance paid under section 76 of the Act, Elected Members are entitled to receive reimbursement for travelling within the area of Council and child/ dependent care expenses associated with attendance at a "Prescribed Meeting".

A "Prescribed Meeting" is defined under the Regulations in relation to a member of a Council, being a meeting of 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) by the shortest or most practicable route and to that part of the journey within the Council area i.e. travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Act. For reimbursement for travel outside the Council area refer to "Additional Reimbursement, Facilities and Support"
- ⌘ Where an Elected Member travel 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
- Note: A Council vehicle is available for 'eligible journeys'*
- ⌘ 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
- ⌘ A 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
- ⌘ Reimbursement for child/ dependent care expenses actually or necessarily incurred by the Elected Member as a consequence of the Elected Member's attendance at a Prescribe Meeting. Child/ dependent care is not reimbursed if a relative of the Elected Member who ordinarily resides with the Elected Member provides the care. A definition of "relative" it contained in section 4 of the Act.

To receive reimbursement for these entitled expenses (travel and child/ dependent care) each Elected Member is required to complete a Form 1 and submit it to the Chief Executive Officer. Forms should be submitted on a quarterly basis for the purposes of administrative efficiency.

#### **Additional Reimbursement, Facilities and Support**

##### Additional Reimbursement

Additional prescribed expenses incurred by Elected Members that are capable of being reimbursed by the Council are expenses that do not fall into the type of prescribed reimbursement outlined above, but must still be expensed incurred in performing or discharging official functions and duties. Section 77(1)(b) of the Act may approve the reimbursement of additional expenses as set out in the Regulations incurred by Elected Members, either on a case-by-case basis or under a policy adopted by Council.

Council approves reimbursement of expenses incurred by the Elected Member as a consequence of the Elected 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 Elected Member. Expenses will only be reimbursed for attendance at conferences, seminars, etc. which have been approved by Council. The following types of expenses will be reimbursed:

- ✧ travelling
- ✧ airfares
- ✧ registration fees
- ✧ accommodation
- ✧ meals
- ✧ taxi fares
- ✧ car parking
- ✧ incidentals
- ✧ telephone, mobile telephone or computer internet service provider base fees

*Note: where possible, arrangements should be made for prepayment of expenses through Council's Accounts Payable procedure. This will ensure no out-of-pocket expense and will ensure administrative efficiency.*

#### Facilities

Pursuant to Section 78 of the Act, Council has resolved to make available the following facilities to all Elected Members:

- ✧ Business cards
- ✧ Stationery, as required (e.g. Letterheads, envelopes)
- ✧ Facsimile use at Council Office
- ✧ Photocopying, as required
- ✧ Computer use, as required
- ✧ Use of office space, as required
- ✧ Printing allowance \$100 per quarter, on request (for printing at home)
- ✧ Internet and Communication Allowance – Each Elected member who has established a private internet connection will be reimbursed \$300 per annum towards the maintenance of an internet connection and communication costs associated with Council related activities, on request.
- ✧ Access to a Council vehicle for 'eligible journeys'

In addition to the above, Council has resolved to make available to the Mayor the following facilities:

- ✧ Mobile telephone

Council has resolved that these facilities are necessary or expedient to the performance or discharge of the Members' official functions or duties. Pursuant to Section 77(1)(b) of the Act, expenses other than those detailed above will require approval by Council resolution on a case by case basis. The provision of these facilities and support are made available to all Elected Members under the Act on the following basis:

- ✧ They are necessary or expedient for the Elected 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 Elected Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

#### **Claims for Reimbursement**

Elected Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. All claims for reimbursement must be submitted 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.

### **Other Benefits Received**

There is no express interpretation in the Act of the term “benefits” received or provided to Elected Members. However, it is common for the Council to incur costs or pay for expenses (provide a non-monetary benefit) for the “benefit” of Elected Members in the course of, or related to the performance of the Elected Member’s role, functions or duties, as opposed to reimbursing them. Where the Council pays up-front for expenses that would otherwise be reimbursable, or provides Elected Members with facilities or services that can be quantified for each Elected Member, these are provided to Members for their “benefit”. For example if an Elected member attends at the ALGA conference and the Council meets all or any of the costs associated with that attendance upfront, that is a “benefit” provided to the Elected Member. Another example of a “benefit” is where the Council provides, at its own cost, all Elected Members with business cards for their use in performing their official functions and duties. An example that is not a “benefit” would be a meal available to all Elected Members at Council meeting.

### **Register of Allowances and Benefits**

Pursuant to Section 79 (1) and (2) of the Act, the Chief Executive Officer must maintain a Register of Allowances and Benefits (the Register) in which is entered:

- ⌘ The annual allowance payable to the Elected Members.
  - ⌘ Details of any expenses reimbursed under section 77(1)(b) of the Act.
  - ⌘ Details of other benefits paid or payable to, or provided for the benefit of Elected Members.
  - ⌘ 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 Local Government (Allowances and Benefits) Regulations 2010.

Reimbursements paid under Section 77(1)(a) of the Act are not required to be recorded in the Register. However, the Chief Executive Officer is required to record in the Register changes in the allowance or a benefit payable to, or provided for the benefit of, Elected members and the provision of a discretionary reimbursement (s 77(1)(b) LG Act) or a benefit not previously recorded in the Register. The Chief Executive Officer will update the Register each quarter and therefore each Elected Member is required to provide his or her claim form for reimbursement to the Chief Executive Officer on the last business day of each quarter.

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.

### **FURTHER INFORMATION**

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](http://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](mailto: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.

### **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 entire 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 Elected Member’s allowances, additional reimbursements and benefits for their term in office (s 77(2) LG Act). The correctness and effectiveness of this policy will also be reviewed and evaluated immediately following the next general election.

Form 1 (Ref 9.33.1)

*Lodge with Chief Executive Officer*

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

Name: \_\_\_\_\_

Period: \_\_\_\_\_

Total Reimbursement Claim Amount: \$ \_\_\_\_\_

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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**

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

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)**

<b>Date</b>	<b>Council Functions or Business Activity</b>	<b>Location of Function or Business Activity</b>

Reimbursement claim: \$\_\_\_\_\_

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Select preferred method of payment:  Cheque

 Direct Debit\*

\*If not provided previously or your details have changed, please complete your details below:

BSB: \_\_\_\_\_ Account No: \_\_\_\_\_

Bank and Branch: \_\_\_\_\_

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

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*FOR OFFICE USE ONLY*

\_\_\_\_\_  
Signature of CEO (acknowledging receipt)

\_\_\_\_\_  
Date

Claim entered in Register: 