

# POLICY

<b>Policy Name</b>	Council Member Allowance and Benefits Policy
<b>Policy Category</b>	Statutory
<b>Department / Officer</b>	Office of Chief Executive Officer/Governance and Policy Officer
<b>Date Adopted</b>	23 May 2003
<b>Date/s Reviewed</b>	19 November 2018, 25 November 2019, 23 November 2020, 23 November 2022; 12 December 2022; February 2024
<b>Review Frequency</b>	Every three years or at the beginning of a Council term (a Policy under Section 77(1)(b) will lapse at a General Election)
<b>Strategic Plan Reference</b>	Aspiration 6 – We are a financially sustainable and well-governed organisation <ul style="list-style-type: none"> <li>• Priority – Strengthen strategic, governance and communication frameworks</li> </ul>

## Attachments

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### 1. Purpose

The purpose of this Policy is to set out the legislative provisions in relation to Council Member allowances, benefits, and support.

### 2. Scope and Responsibilities

This Policy applies to all Council Members, who have an obligation to abide by this Policy.

The Chief Executive Officer is responsible for implementing and monitoring expense reimbursement procedures in accordance with the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010*.

Reimbursements to attend a training course are outlined in Council's Training and Development Policy and Plan for Council Members.

### 3. Policy Statement (Summary)

The City of Victor Harbor will ensure that the payment of Council 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* and the *Local Government (Members Allowances and Benefits) Regulations 2010*.

## 4. Legislation and Compliance

Mayor and Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 58 and 59 of the *Local Government Act 1999* provides that the role of the Mayor and Council Members of a Council are, as a member of the governing body of the Council:

The Chief Executive Officer must ensure that a record (the Register of Allowances and Benefits) is kept of the annual allowance payable to Council Members (*Section 79(1) and (2) of the Local Government Act 1999*).

## 5. Definitions

**Eligible Journey** means a journey (in either direction) between the principal place of residence, or a place of work, of a member of the Council, and the place of a prescribed meeting.

**Council Committee** means a committee established by a Council in terms of Section 41 of the *Local Government Act 1999*.

**Councillor** means a person appointed or elected as a councillor of a Council under the *Local Government Act 1999*.

A **'function or activity on the business of the Council'** is defined by Council as:

- Mayoral Receptions
- Opening Ceremonies
- Dinners
- Citizenship Ceremonies
- Official visits – inspection of sites within the Council area which relate to Council or Committee agenda items
- Attendance at meetings of community groups and organisations as a Council appointed delegate, but not to attend meetings of community groups or organisations when fulfilling the role of local representative (as the Council Members allowances provides for this).

**Prescribed Committee** means, for the purposes of this determination, a committee that endures, irrespective of whether the Council has assigned any work for the Committee, to perform and assists the Council or provides advice to the Council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer Performance Review
- Corporate Services
- Finance
- Governance
- Infrastructure and Works
- Risk Management
- Strategic Planning and Development

**Prescribed Meeting**, in relation to a Member of a Council, 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 the Member.

## 6. Policy Content

### 6.1 Principles

This Policy is underpinned by the following principles:

- That Council Members should not be out of pocket because of performing and discharging their Council functions and duties.
- That Council Members be provided with access to adequate and appropriate resources and support to enable them to fulfil their role.
- That 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 1999*.
- That Council's practices are accountable and transparent and implemented in a fair and consistent manner.

### 6.2 Allowances

Council 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*.

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 election to reflect changes in the Consumer Price Index (CPI). Adjustments will occur on 10 November 2023, 10 November 2024 and 10 November 2025.

In accordance with Regulation 4 of the *Local Government (Members Allowances and Benefits) Regulations 2010* (and for the purposes of Section 76 of the *Local Government Act 1999*), 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.

The annual allowance for a Council Member is determined by the Remuneration Tribunal, whereby they must have regard to the requirements under Section 76(3) of the *Local Government Act 1999*.

#### 6.2.1 Mayor

The Mayor's annual allowance is equal to four times the annual allowance for Council Members.

### **6.2.2 Deputy Mayor**

The Deputy Mayor's annual allowance is equal to one and a quarter (1.25) times the annual allowance for Council Members.

### **6.2.3 Presiding Member of a Prescribed Committee**

The Presiding Member of a prescribed Committee or more than one prescribed Committee as determined by the Remuneration Tribunal is equal to one and a quarter (1.25) times the annual allowance for Council Members.

### **6.2.4 Presiding Member of a committee (other than a Prescribed Committee)**

A sitting fee is payable to a Council Member (other than the Mayor or Deputy Mayor, Chairperson or Deputy Chairperson of a Prescribed Committee) who is the Chairperson of a Section 41 Committee that is not a prescribed committee.

## **6.3 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 1999* 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.

## **6.4 Mandatory Reimbursement – Travel (Section 77(1)(a))**

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".

Reimbursement for travel expenses is restricted to 'eligible journeys' (as defined in Regulation 3 of the *Local Government (Members Allowances and Benefits) Regulations 2010*) 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 meeting is not reimbursable under Section 77(1)(a) of the *Local Government Act 1999*. For reimbursement for travel outside the Council area as outlined in Clause 6.6.

Where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometer (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.

#### **6.5 Mandatory Reimbursements – Child/Dependent Care (Section 77(1)(a))**

Council Members are entitled to reimbursement for child/dependent care expenses actually or necessarily incurred by the Council Member because 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.

#### **6.6 Additional Expense 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 1999* provides that the Council may approve the reimbursement of additional expenses as set out in *the Local Government (Allowances and Benefits) Regulations 2010* 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 *Local Government (Allowances and Benefits) Regulations 2010* sets out the types of additional expenses that may be reimbursed under Section 77(1)(b) of the *Local Government Act 1999*, with the approval of the Council. These are:

- 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 a Council Member for attending 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 1999*).
- Travelling expenses incurred by a member for an 'eligible' journey 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,incurred because of the Members 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 1999*; and
- Expenses incurred by a Member because 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 1999*).

#### 6.6.1 Council Approved – Travel

The following travel related expenses incurred by a Council Member are eligible for reimbursement:

- Travel related to attendance at a Council/Committee meeting or Workshop (eligible journey) as it relates to that component **outside** the Council area, up to a maximum of 150km per return journey.
- Journeys **inside** and **outside** the Council area for travel expenses, because of attendance at a function or activity on the business of the Council.

Reimbursement is restricted to the shortest and most practicable route.

Where a Council Member travels by private motor vehicle, the rate of reimbursement is as prescribed for 'eligible' journeys.

Travel by train, bus or other means of public transport is reimbursed based on expenses actually and necessarily incurred because of the Member's attendance at a function or activity on the business of the Council and is still limited to the shortest or most practicable route.

Car parking fees and expenses from travelling by public transport eg bus or train will be reimbursed as a consequence of a Council Member attendance at an approved function or activity on the business of the Council. The relevant receipts must be supplied with the claim for reimbursement.

#### 6.6.2 Council Approved – Dependent Care and other expenses

The following care and other expenses incurred by a Council member are eligible for reimbursement pursuant to Section 77(1)(b) of the *Local Government Act*.

- Expenses incurred for the care of a child of a Council Member or a dependent of the Council Member requiring full time care because of the Council Member's attendance at a function or activity on the business of the council (other than expenses for which the Member is reimbursed under Section 77(1)(a) of the *Local Government Act 1999*). Maximum reimbursement per occasion shall be limited to \$40.00.

*Note: Receipts confirming the expenditure incurred must be provided with a completed claim form for reimbursement.*

- All other expenses, reimbursements and support that fall within the scope of this policy and not detailed above will require approval by Council on a case-by-case basis.

Expenses incurred by a Council Member because 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 1999* will only be reimbursed where attendance has been separately approved by Council or as provided for under the Council's Training and Development Policy and Plan for Council Members.

## **6.7 Council Member Facilities and Support**

### **6.7.1 General Principles**

Section 78 of the *Local Government Act 1999* provides that Council can provide facilities and forms of support for use by its Council Members on an equal basis to assist them in effectively performing their duties.

In accordance with the provides of the Behavioural Management Framework, a Council Member must not use any facilities and services for a purpose unrelated to the performance or discharge of official functions or duties unless they have obtained the prior approval of the Council.

Any items provided to a Council member remains the property of Council and is insured through Council's insurers.

Council Members who resign, retire, or are not re-elected will be required to return the equipment supplied by the Council immediately of the end of the Council members term of office, or at any other time as determined by the Chief Executive Officer.

Council Members who are on a leave of absence are required to:

### **6.7.2 Council Members – Facilities and Support**

Pursuant to Section 78 of the *Local Government Act 1999*, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Councils Members to assist them in performing or discharging their official functions and duties (subject to budget):

- Notebook with wireless keyboard and mouse, internet. This device replaces the distribution of hard copy documents and agenda to Council Members and should only be used for Council business only.
- Business Cards
- Name badges
- Use of Council Members room

- A printer and telephone are located in the Council members room for use by all Council members for Council business only.
- Limited Executive Assistant support to assist members in their role eg registration of corporate documents.
- Help desk support through the Executive Assistant and in line with the ICT Charter
- A printed copy of Council documents will be provided upon request or when circumstances require a hard copy be distributed
- Each Council Member will be entitled to a Mobile Phone connected to the organisational mobile phone plan. Council Members may choose to bring their own device. Reimbursement for Council Members own devices will be to a maximum equivalent of the organisational mobile phone plan.

## **6.8 Additional Facilities and Support for the Mayor**

In addition to the above, Council has resolved to make available to the Mayor the following facilities and support to assist in performing and discharging the Mayor's official functions and duties:

### **6.8.1 Vehicle**

The Mayor is allowed exclusive use of a Council vehicle for business and private use. The Mayor's Council vehicle is supported by regular servicing, registration, comprehensive insurance, and the provision of fuel for business use.

The formulas to address the element of private use for the purpose of reimbursement will be set by the Chief Executive officer or delegate and consistent with formulas used by other Councils of similar size.

Any interstate travel in the Council vehicle shall require advance approval of the Council.

Fuel may be purchased via fuel card or credit card;

At the Mayor's discretion, the vehicle may be made available to other Council Members for purposes related to official Council business (eg attendance at a meeting, training course, conference seminar or function).

Should the Mayor not require the vehicle for a period of time (determined at the Mayor's discretion), the Deputy Mayor may become the custodian of the vehicle under the same terms and conditions applicable to the Mayor under this Policy.

### **6.8.2 Equipment and Facilities**

- Designated office space, PC/WYSE terminal or docking station with associated peripherals for HP notebook or similar, work desk, filing cabinet, meeting table and telephone with direct phone number, answerable by the Executive Assistant and voicemail, access to printer, fax and photocopier. The office space is for the exclusive use of the Mayor.
- Provision of copy paper as necessary for council business.



- Access to the Chief Executive Officer's Executive Secretarial resources for limited secretarial support.
- VPN access on nominated personal computer to Council's remote desktop environment including access to emails and documents (subject to ICT security assessment)
- IT support for assistance with Council supplied IT equipment in line with the ICT Charter
- Provision of a Council Corporate Credit Card with an expenditure limit of \$2,000.
- Council Mobile phone including calls, voicemail and remote access to emails for Council business.
- The Mayor is entitled to a weekly copy of the Local Newspaper 'The Times'.

## 6.9 Facilities and Support – Terms and Conditions

In addition, although not required by the *Local Government Act 1999*, 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 of office;
- All facilities must be returned to the Council at the end of each term of 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 to the Chief Executive Officer.

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 Act. The use of such facilities for electoral purposes during the elections period would be a breach of Section 78(3) of the *Local Government Act 1999*.

## 6.10 Benefits

Where an expense has been incurred or an item has been provided to a Council Member that does not fall into the categories of reimbursement, a form of support or the provision of a facility, then it is considered as a 'benefit' and will be recorded in the 'Allowances and Benefits' Register. Such benefits may include:

- Meals or refreshments available to all Council Members prior to a council meeting.
- Use by Council Members of a Council sponsored corporate box.
- Memberships

## 6.11 Claiming Reimbursements

Claims will preferably be made within 30 days of the date of the expense being incurred and must be made within the financial year of the expense being incurred.

Retrospective travel claims will not be considered by Council.

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

Reimbursement must be for expenses actually and necessarily incurred.

Claims for reimbursements, other than vehicle expenses, can only be made with the submission of a tax invoice/receipt. Tax receipts must include an ABN number to comply with Goods and Services Tax (GST) requirements and submitted on the relevant form, as determined by Council from time to time. An EFTPOS Receipt is not considered a Tax Invoice and will not be reimbursed. In the event that a Tax Invoice is lost or misplaced, a Statutory Declaration is required to be provided with details of the transaction and justification of how it related to Council business.

Payment will be made within 30 days from the date of approval of each Member's claim.

No claims will be entertained for expenses incurred prior to commencement of Council's term.

Claims must be submitted to the Office of the Chief Executive Officer for processing and reimbursement.

## **6.12 Other Support**

### **6.12.1 Insurance of Members**

Council has taken out a Policy of insurance, insuring every Member of the Council, and a spouse, domestic partner or another person who may be accompanying a Member of the Council, against risks associated with the performance or discharge of official functions or duties by Members.

### **6.12.2 Delivery of documents and pigeonhole**

Council agenda, minutes and other documents are uploaded and accessible by Council's HP notebook.

Council Members are provided with a pigeonhole on the first floor of the Council office. Any hard copy information and material will be placed in the pigeonhole for pick up by Council Members. On occasion documents will be sent via mail or Courier delivery and therefore Members are required to supply to the Chief Executive Officer their postal and residential address details.

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

Pursuant to Section 79 (1) and (2) of the *Local Government Act 1999*, the Chief Executive Officer must maintain a register to ensure a record is kept of:

- the annual allowances paid to Council Members; and

- any expenses reimbursed to a Member; and
- any other benefits paid or provided for a benefit of a member by the Council; or
- to make a record of the provision of a reimbursement or benefit not previously recorded in the Register

on a quarterly basis

Reimbursements paid under Section 77(1)(a) of the *Local Government Act 1999* are not required to be recorded in the Register.

#### **6.14 Record Keeping**

All Council Member emails (internal/external) are captured in line with the relevant legislation through the Council Members email addresses.

All official Council business records received (hardcopy) or generated (hard copy) by Council Members should be submitted to Council for capture into Councils Electronic Document Records Management System.

#### **6.15 Dispute Resolution or Exceptions to the Policy**

Where a Council Member is in dispute of any item covered in this Policy or seeks the provision of support outside of that covered in this Policy then it is to be referred to Council for consideration.

### **7. Risk Management**

This Policy meets Council's statutory obligations under Section 77(1)(b) Reimbursement of expenses and 79(1) Register of Allowances and Benefits and ensures that Members are informed of entitlements for the reimbursement of expenses, facilities, and support.

#### **7.1 Annual Review/Audit**

Councils internal audit function may incorporate the Council Member reimbursement of claims made and benefits payable. Any inconsistencies found will be reported to the Chief Executive Officer in consultation with the Mayor.

### **8. Implementation/Delegations**

The Chief Executive Officer is delegated the authority to implement this Policy and to adjust the Council Member allowance figures annually on the first, second and third anniversaries of the 2022 Local Government elections to reflect changes in the Consumer Price Index as defined in Section 76(15) of the *Local Government Act 1999*

This Policy will be updated to reflect CPI changes to allowances and to reflect rate increases for travel reimbursements as necessary.

### **9. Related Documents**

Behavioural Management Standards

Complaint Handling Procedure under the Code of Conduct for Council Members

Corporate Credit Cardholder Agreement Form

Training and Development Policy and Plan for Council Members  
Fraud, Corruption, Misconduct and Maladministration Prevention Policy  
Remuneration Tribunal determination No. 6 of 2022

## **10. Availability of Policy**

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