



Elected Members' Allowance, Benefits and General Policy

Classification	Policy
Reference number	
Strategic reference	Goal 4 Organisational : Effective governance and organisational efficiencies
Relevant legislation	Local Government Act 1999
Relevant documents	Nil
Responsible officer	Chief Executive Officer
Previous review date	August 2016
Date adopted	August 2018
Next review date	August 2020

1 Policy Statement

Elected 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 an Elected Member, as a member of the governing body of the Council, is to:

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

The Southern Mallee District Council 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 the

Local Government Act 1999 ("the Local Government Act") and the Local Government (Members Allowances and Benefits) Regulations 2010 ("the Regulations").

This Policy sets out:

- The provisions of the Local Government Act and Regulations in respect of Elected Member allowances, expenses and support
- The types of expenses and the circumstances in which those expenses will be reimbursed
- The process for reimbursement

And summarizes:

- The determination of the Remuneration Tribunal
- The provision of facilities and support
- The basis on which these are made available.

The Policy is also specifies the types of expenses that will be reimbursed without the need for specific approval of the Council every time a claim is made and explains the information that must be recorded in the Council's Register of Allowances and Benefits.

The electronic version accessible on Councils website and within Skytrust is the controlled version.
Printed copies are considered uncontrolled – before using a printed copy verify that is the current version.



Elected Members' Allowance, Benefits and General Policy

2 Principles

This Policy is underpinned by the following principles:

- Elected Members should not be significantly 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 an Elected Member under the Local Government Act.
- Council encourages continued professional training and development for Elected Members. This is seen as being essential in terms of good governance and to the improved performance of their functions and duties.
- Accountability of the Council to its community for the use of public monies.

3 Roles and Responsibilities

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

The Council's Chief Executive has the duty to:

- Maintain the Register of Allowances and Benefits;
- Initiate a Consumer Price Index (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);
- Ensure copies of the policy are available to the public at the Principal Office of the Council.

In addition, the Chief Executive is responsible for:

- Implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Regulations, this Policy and any associated procedure
- Ensuring a copy of this policy is provided to all Elected Members.

4 Allowances and Reimbursements

4.1 Allowances

Elected Member allowances are determined by the Remuneration Tribunal on a four (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 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 CPI under a scheme prescribed by the Regulations.

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4 Allowances and Reimbursements

4.1 Allowances

In accordance with regulation 4 of the Regulations, (and for the purposes of section 76 of the LG Act) the Council has determined that these allowances be paid:

- At a frequency individually nominated by the Elected Member, in arrears, with a minimum basis of monthly remittance.
- The first payment of a financial year, however, shall not be paid prior to 1 July in that given year. No annual allowance payments shall cross any given financial year.

The annual allowance for an Elected 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 annual allowance for:

- Principal Members, is equal to four times the annual allowances for Council Members of that council;
- Deputy Mayor, is equal to one and a quarter (1.25) times the annual allowances for Elected Members of that Council;

4.2 Mandatory Reimbursements

4.2.1 Travel

Elected Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Elected 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 an Elected Member, and the place of a prescribed meeting.



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4 Allowances and Reimbursement

4.2 Mandatory Reimbursements

4.2.1 Travel

- 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.
- 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.

4.2.2 Child/Dependent

Elected Members are entitled to 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 prescribed meeting. Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Elected Member.

To receive reimbursement for such prescribed expenses (travel and child/defendant care) each Elected Member is required to complete a Form 1 and submit it to Chief Executive Officer. For the purposes of administrative efficiency Elected Members are requested to submit these forms at least on a quarterly basis.

4.3 Prescribed and Approved Reimbursements

There are additional prescribed expenses incurred by Elected Members which can be reimbursed by the Council but which 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 Elected Members, either on a case-by-case basis or under a policy adopted by the 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.



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4. Allowances and reimbursements

4.3 Prescribed and Approved Reimbursements

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:

- Travelling expenses incurred by the Elected 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 Elected 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) a child of the Elected Member; or
 - b) a dependent of the Elected Member requiring full-time care incurred by the Elected Member as a consequence of the Elected 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);
- 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 which is directly or closely related to the performance or discharge of the roles and duties of an Elected 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 Elected Members as described below.

4.3.1 Travel

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

- a) to a function or activity on the business of the Council;
- b) In undertaking an eligible journey to the extent those expenses are attributable to travel outside the area of the Council. The following conditions apply:
 - Travel must be incurred by the Elected Member as a consequence of attendance at official functions or activities on the business of the Council, including Mayoral receptions, dinners, citizenship ceremonies, attendance at meetings of community groups and organizations as a Council appointed delegate (but not to attend meetings of community groups or organizations when fulfilling the role of local representative).



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4. Allowances and reimbursements

4.3 Prescribed and Approved Reimbursements

4.3.1 Travel

- The Elected Member may also seek reimbursement for travel expenses incurred for the purposes of engaging and liaising with community members in regards to the inspection of matters relating to Council activities. This may include but is not limited to road and other infrastructure inspections, noting that the outcomes of this must be reported to the Chief Executive Officer or relevant departmental Manager.

4.3.2 Travel

- Reimbursement is restricted to the shortest or most practicable route and means of transport.
- 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.
- Travel 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 the shortest or most practicable route.
- Car parking fees will be reimbursed (where they are a consequence of an Elected Member attending a function or activity on the business of the Council).
- Production of relevant receipts or other evidence of expenditure where requested.

4.3.2 Travel time payment

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

- a. usual place of residence is within the relevant Council area and is located at least 30km but less than 50km distance from their Council's principal office, via the nearest route by road - \$336 per annum;
- b. usual place of residence is within the relevant Council area and is located at least 50km but less than 100km distance from their Council's principal office, via the nearest route by road - \$560 per annum;
- c. 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 - \$1120 per annum;

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



Elected Members' Allowance, Benefits and General Policy

4 Allowances and Reimbursements

4.3 Prescribed and Approved reimbursements

4.3.3 care and other expenses

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

- d. usual place of residence is within the relevant Council area and is located at least 30km but less than 50km distance from their Council's principal office, via the nearest route by road - \$336 per annum;
- e. usual place of residence is within the relevant Council area and is located at least 50km but less than 100km distance from their Council's principal office, via the nearest route by road - \$560 per annum;
- f. 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 - \$1120 per annum;

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

5. Facilities and Support

In addition to allowances and the reimbursement of expenses, Section 78 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 their official functions and duties. The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Elected 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 Elected Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member as set out below.



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5. Facilities and Support

5.1 Facilities and support for all Elected Members

Pursuant to Section 78 of the Local Government Act the 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:

- Appropriate electronic device as approved by the Council; (currently Surface Pro and associated accessories)
- A Council email address
- A level of information technology support to assist Elected Members to use electronic devices in an effective manner
- Access to meeting rooms as appropriate at any of the Council's Offices.

The provision of these facilities and support are made available to all Elected (and to any acting Principal Member appointed during the Principal Member's absence) Members (including the Principal Member) under the Local Government 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.

5.2 Technology Support

The provision of computer equipment is provided in recognition that Elected Members conduct a substantial amount of their responsibilities via computer – either through email or in the conduct of research on policy matters requiring internet access.

Any electronic devices shall remain the property of the Southern Mallee District Council.

The computer equipment and services shall be capable of supporting:

- a) A high speed internet connection
- b) Ability to open and display documents of an appropriate nature.
- c) Ability to access and use the Council email system, being Microsoft's Outlook Web Access



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5 Facilities and support

5.3 Basis of usage

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 all Elected Members (including the Principal Member) on the following basis:

- They are necessary or expedient for the Elected Member to perform or discharge his/her official functions or duties;
- Elected Members are individually responsible for the use/misuse of technology facilities provided to them by the Council.
- The facilities remain the Council's property regardless of where they are used; and
- They are not 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 cost or expenses associated with that usage.
- Each Elected Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office.
- If the facilities provided to the Elected Member are damaged or lost the Elected Member must lodge an incident report form with the Chief Executive Officer.

The use of Council facilities, support and/or services by Elected 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 an Elected 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.

5.4 Other Reimbursements

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

6. Claims for Reimbursement

All claims for reimbursement must be submitted to the Chief Executive Officer in writing, accompanied by suitable complying tax invoices acceptable to the Australian Tax Office and the Council's auditors clearly showing all the expenses incurred. All claims for reimbursement must be submitted within 12 months of incurring the expense, preferably on a quarterly basis.

For the purposes of this policy the 12 month claim period will be November to November.



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7 Other Benefits Paid or Provided to an Elected Member by the Council

Section 79(1)(c) requires the Register of Allowances and Benefits to include details of 'other' benefits paid or payable to, or provided for the benefit of, the Elected Member by the Council. There is no express definition in the Local Government Act of the term 'benefit'. However, its natural and ordinary meaning is that a 'benefit' is something that is helpful or favourable.

It is common for the Council to incur costs or pay for expenses (or provide a non-monetary benefit) for Elected Members in the course of, or related to, the performance of the Elected Member's role, functions or duties.

Where the Council pays up-front for expenses that would otherwise be reimbursed, or provides Elected Members with facilities or services that can be quantified for each Elected Member, these are provided to Elected Members for their 'benefit'. The cost of benefits will be quantified for each Elected Member (to the extent they can be) on a quarterly basis and recorded in the Register of Allowances and Benefits pursuant to Section 79(1) of the Local Government Act as a benefit provided to that Elected Member.

7.1 Accommodation – Elected Members

Where Elected Members are required to stay overnight whilst away on Council business, Council approve of accommodation up to the value of the cost equivalent to a reasonable standard accommodation.

Council to provide actual costs of meals for Elected Members whilst being away on Council business and if an Elected Member is accommodated privately Council approves of \$20 being paid to the provider.

7.2 Meal Expense – Community Functions

That Council provides the cost of meals for Elected Members and partner in the situation where an Elected Member is required to represent Council at Community functions.

7.3 Elected Members Expenses

That the Council adopt the procedure by which a copy of the relevant account and receipt be provided with appropriate details on the Elected Members Expenses Claim form as distributed each month with the Agenda and that the Mayor or Chief Executive Officer be the nominated person to authorize expense reimbursement claims by Elected Members, if required.

7.4 Training Expenses

The Chief Executive Officer will submit a report to the Council where the course fee is in excess of \$1500 which outlines the aims and objectives of the course for an Elected Member wishing to attend. Training that directly targets or is closely related to the performance or discharge of the roles or duties is required to meet the criteria for the training expense.



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7 Other Benefits Paid or Provided to an Elected Member by the Council

Where attendance at any course is approved by the Council, the cost of travelling and accommodation will be met by the Council in accordance with this policy.

All training or attendance at Conferences, Workshops and Seminars for Elected Members and for which reimbursement is sought must be approved by Council resolution.

8 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 paid or payable to each Elected Member under Section 79(1)(a) of the Local Government Act;
- any expenses reimbursed under Section 77(1)(b) of the Local Government Act (in the case of Section 79(1)(b));
- other benefits paid or provided for the benefit of the Elected 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 Regulations).

Entitled reimbursements paid under Section 77(1)(a) of the 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, Elected Members.

Accordingly, 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 of Allowances and Benefits is available for inspection by Members of the public, free of charge, at the Council's Customer Service's Centre during ordinary business hours.

9 General Policies

9.1 Elected Members Reporting Matters of Minor or Emergency Nature

That matter of a minor or emergency nature be referred to the Council Office by Elected Members as soon as they are received. Should the Manager responsible not wish to proceed with the matter then this be reported to the Elected Member concerned so that the Elected Member then has an opportunity to raise the matter through a Notice of Motion or a matter of urgency at the Council meeting or if the Manager considers that the matter needs to be referred to the Council for a decision then this be done by the Manager through a report.



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8 General Policies

9.2 Members – Public Statements

No member of the Council shall make any comment on any matters which are still in Committee or have been discussed in confidence. Members making statements on matters already decided by the Council shall make such statements under their own name, i.e. with the exception of the Mayor. An Elected Member is not entitled to speak on behalf of the Council as a whole.

9.3 Visitors to Council Meetings

That visitors to the Council be arranged through the Chief Executive Officer with the approval of the Mayor.

9.4 Press Reports

The Mayor and the Chief Executive Officer are each empowered at their discretion at all times to forward to the Media such matters as are to the interest of the residents of the Southern Mallee District Council.

9.5 Photographs

New Council

That the Council place a 10" x 8" (approx.) photograph of each new Council in both Chambers.

Mayor

That the Council provide a photograph of each Retiring Mayor which is to be hung in both Chambers.

9.6 Mayor's / Elected Members / Communications – CM 13/8/08 – 080809.17

That if an Elected Member submits an apology, due to being unable to attend a Council meeting and they submit their Elected Member/Delegate Benefit Claim Form on the day of the meeting, their meetings/functions attended which are listed on the claim form be included in the minutes of that meeting for inclusion in the Elected Members Allowances/Benefits and Policies.

10 Policy review

The effectiveness of this policy will be reviewed every three years or as necessary.

11 Further information

This document is available on Council's website www.southernmallee.sa.gov.au and at the principal office of the Southern Mallee District Council at Day Street, Pinnaroo SA 5304.

A copy of this document may be purchased from Council.