

Council Members Allowance, Benefits and Support Policy

Strategic Reference	Objective 4; collaborative and respectful relationships amongst community, Elected Members and Council staff. Strategy 4.1; build a strong relationship between Elected Members and staff, working together on the behalf of the community, to meet our legislated requirements and to meet the aspirations of our communities where funding permits.
File reference	AR18/25347
Responsibility	Office of the CEO
Revision Number	16
Effective date	June 1999
Last revised date	August 2017
Minutes reference	244/18, 161/17, 175/16, 038/15, 256/14, 409/13, 324/12, 279/11
Next review date	First meeting of new Council following a periodic election, and then annually
Applicable Legislation	Local Government Act 1999 Local Government (Elections) Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010 Commonwealth Income Tax Assessment Act 1997
Related Policies	Code of Conduct for Elected Members Election Caretaker Policy Council Members' Training & Professional Development Policy
Related Documents	Register of Allowances and Benefits Council Members' Reimbursement Claim Form 1 Council Members' Reimbursement Claim Form 2

1. Introduction

Coorong District Council 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* ("the LG Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").

This Policy sets out the provisions of the LG Act and Regulations in respect of Council Member allowances, expenses and support. This Policy is also provided in accordance with Section 77(1)(b) of the LG Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

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Council 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 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;
- 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.

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

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

2. Policy Objective

To ensure Council Member allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council are compliant with the *Local Government Act 1999* and *Local Government (Members Allowances and Benefits) Regulations 2010*.

3. Scope & Responsibilities

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

Council's Chief Executive Officer has the duty to:

- maintain the Register of Allowances and Benefits;
- initiate a Consumer Price Index ('CPI') review of allowances paid to Council 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); and
- ensure copies of this Policy are available for inspection by the public at the principal office of the Council.

In addition, the Chief Executive Officer is responsible for:

- implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy and any associated procedure; and
- ensuring a copy of this Policy is provided to all Council Members.

2. Policy Statement

This policy is underpinned by the following principles:

- Council members should not be significantly out of pocket as a result of performing and discharging their Council functions and duties.
- To assist council 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.

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- Any 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 LG Act.
- Council encourages continued professional training and development for council members. This is seen as being essential 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.

4. Allowances

Council 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. 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 under a scheme prescribed by the Regulations.

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

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 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 annual allowance for:

- principal members, is equal to four times the annual allowances for Council Members of that council;
- deputy mayor or 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 allowances for council members of that Council;

An additional allowance in the form of a sitting fee is also payable for council members who are presiding members of other Council committees (who are not deputy mayor or a presiding member of prescribed committees). Payments in accordance with this allowance are payable upon submission of the appropriate claim form (attached to this policy).

5. Mandatory Reimbursements – 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' (section 77(1)(a) of the LG 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:

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- 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 LG 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. The rates of reimbursement for motor vehicle costs incurred by a Council Member are to be equal to the rate per kilometre prescribed for calculating deductions for car expenses for income tax purposes. In 2016 the Australian Tax Office announced that separate rates based on the size of the engine are no longer available from 1 July 2015. Under the revised method, individuals use 68 cents per kilometre for all motor vehicles for the 2018/19 income year. The Commissioner of Taxation will determine the rate for future income years.
- 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.
- 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. Mandatory Reimbursements – Child/dependant care (Section 77(1)(a))

Council members are entitled to reimbursement for child/dependent 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.

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

7. Prescribed and Approved Reimbursements – Section 77(1)(b)

There are additional prescribed expenses incurred by council 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 LG 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 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.

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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:

- an expense incurred in the use of a telephone, facsimile 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 LG 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:
 - (i) a child of the Member; or
 - (ii) a dependent of the Member requiring full-time careincurred 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 LG 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 LG Act).

For the purposes of this Policy, and pursuant to section 77(1)(b) of the LG Act, the Council approves the reimbursement of additional expenses of council members as described below.

7.1 Travel

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of expenses which are incurred by a council member in travelling:

- to a function or activity on the business of the Council; and
- 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 Member as a consequence of attendance at official functions or activities on the business of Council, including Mayoral receptions, dinners, citizenship ceremonies, 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).
 - The 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 CEO or relevant departmental director.
 - Reimbursement is restricted to the shortest or most practicable route and means of transport.
 - Where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre. The rates of reimbursement for motor vehicle costs incurred by a Council Member are to

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be equal to the rate per kilometre prescribed for calculating deductions for car expenses for income tax purposes. In 2016 the Australian Tax Office announced that separate rates based on the size of the engine are no longer available from 1 July 2015. Under the revised method, individuals use 68 cents per kilometre for the 2018/19 income year. The Commissioner of Taxation will determine the rate for future income years.

- 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 a council Member attending a function or activity on the business of the Council).
- Production of relevant receipts or other evidence of expenditure where requested.

7.2 Travel Time Allowance for Members of non-metropolitan councils

Pursuant to the determination made by the Remuneration Tribunal, council members (excluding Principal Members) of non-metropolitan Councils are eligible for payment for a travel time payment as follows:

- a) An allowance of \$410 per annum will be payable to council members, excluding principal member, whose usual place of residence is within the relevant council area and is located **at least 30kms but less than 50kms** from that council's principal office, via the most direct road route.
- b) An allowance of \$700 per annum will be payable to council members, excluding principal member, whose usual place of residence is within the relevant council area and is located **at least 50kms but less than 75kms** from that council's principal office, via the most direct road route.
- c) An allowance of \$1,050 per annum will be payable to council members, excluding principal member, whose usual place of residence is within the relevant council area and is located **at least 75kms but less than 100kms** from that council's principal office, via the most direct road route.
- d) An allowance of \$1,490 per annum will be payable to council members, excluding principal member, whose usual place of residence is within the relevant council area and is located **100kms or more** from that council's principal office, via the most direct road route.

If eligible, this payment is made to a council member in addition to any entitlement to reimbursement of expenses incurred.

7.3 Care and other expenses

Pursuant to Section 77(1)(b) of the Act Council approves reimbursement of:

- Expenses incurred for the care of a child of a council member or a dependent of the council member requiring full time care as a consequence of the council member's attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the LG Act).
- Expenses incurred by a Member as a consequence 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 Member (other than expenses for which the Member is reimbursed under section

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77(1)(a) of the LG Act). Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council or which accord with the Council Members' Training & Professional Development Policy. Where attendance is approved the following types of expenses will be reimbursed - airfares, registration fees, accommodation and meals, taxi fares, car parking and other reasonable incidental costs.

- Expenses incurred in the use of a telephone, internet, facsimile or other communication device on the business of the Council, e.g. internet connection costs, computer software, applications for iPad, printer cartridge, contribution towards mobile telephone account.
- Subscription costs to relevant bodies for the Principal Member that is directly or closely related to the performance or discharge of the roles or duties of the Principal Member.

All reimbursement claims must be accompanied by a suitably complying tax invoice as acceptable to the Australian Taxation Office and Council's auditors clearly showing expenses incurred.

8. Facilities & Support

In addition to allowances and the reimbursement of expenses, the LG 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).

The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council 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 Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).

Pursuant to section 78 of the LG 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:

- Appropriate electronic device as approved by Council; (currently iPad and associated accessories)
- Council email address
- Data access card
- A level of information technology support to assist Members to use electronic devices in an effective manner
- A reasonable supply of business cards
- Access to meeting rooms as appropriate at any of Council's Offices.

The provision of these facilities and support are made available to all council members (including the Principal Member and to any acting Principal Member appointed during the Principal Member's absence) under the LG Act on the following basis:

- they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties;

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- 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.

9. Facilities & Support for Principal Member

In addition to the above, Council has resolved to make available to the Principal Member (and to any acting Principal Member appointed during the Principal Member's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- A suitable fully maintained motor vehicle, which is to be used in accordance with the Motor Vehicle Policy.
- Administrative and diary management support as necessary.
- A mobile telephone.
- A credit card with a limit of \$3,000 with all transactions being authorised by the Chief Executive Officer."

10. Technology Support

The provision of computer equipment is provided in recognition that council 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 Coorong 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
- Total telephone (fixed and mobile) and office consumable allowance of \$1,000 per year (paid quarterly on request) for any telephone calls and use of home office consumable for Council business and/or mobile service number as provided for public contact on Council's web site and other promotional documentation.

11. Other Reimbursements

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

12. Claims for Reimbursement

All claims for reimbursement must be submitted to the Chief Executive Officer on council members Reimbursement Claim Form 2, accompanied by suitable complying tax invoices

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acceptable to the Australian Tax Office and 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.

13. Register of Allowances and Benefits

Pursuant to Section 79(1) and (2) of the LG 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 council member under Section 79(1)(a) of the Act;
- any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b));
- 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 Regulations).

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, council members. Accordingly, the Chief Executive Officer will update the Register each quarter and therefore each council 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 Council's Civic Centre during ordinary business hours.

14. Annual Review/Audit

With the view to demonstrating good accountability and transparency an annual review mechanism will be as follows:

- the annual review/audit will be commenced in September/October each year
- all Council Members will be audited on an annual basis
- any inconsistencies in relation to the operation of this policy and claims lodged will be referred to the CEO in consultation with the Mayor, unless it concerns the Mayor, in which case the Deputy Mayor.

15. Further information

This Policy, in its entirety, will automatically lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with council member's allowances, reimbursements and benefits for their term in office (section 77(2) LG Act).

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.coorong.sa.gov.au

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Coorong Civic Centre

95-101 Railway Terrace
Tailem Bend
Phone: 1300 785 277
Fax: 8572 3822

Meningie Information Hub

49 Princes Highway
Meningie
Phone: 1300 785 277

Tintinara Customer Service Centre

37 Becker Terrace
Tintinara
Phone: 1300 785 277

Copies will be provided to interested parties upon request. Email council@coorong.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.

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Form 1

Council Member's Reimbursement Claim - Mandatory

Name:

Period:

Total Reimbursement Claim Amount: \$.....

Reimbursement of prescribed expenses associated with attending a prescribed meeting that is not subject to Council approval (refer to section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*).

1. Travel Expenses & Travel Time Payment (if applicable)

1.1 Date of Travel	1.2 Council Function or Business Attended*	1.3 Mode of Transport	1.4 Distance Travelled (km)**, if Motor Vehicle

1.5 Details of your motor vehicle (where applicable):

- Model and make of motor vehicle:
- Total number of kilometres for reimbursement claim:
(Reimbursement rate = 0.68 cents per kilometre, regardless of engine size)

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1.6 Bus and/or taxi costs (where applicable):

- Reimbursement claim: \$.....

Please attach copies of all receipts.

*NOTE: Travel claims must relate to expenses actually and necessarily incurred by the Member in travelling to or from a prescribed meeting provided the journey is an eligible journey and is by the shortest or most practicable route. For the purposes of this Form 1 the term “**eligible journey**” means a journey between the principal place of residence, or a place of work, of a Member of the Council, and the place of a prescribed meeting (in either direction), in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

**NOTE: Travel Time Payment shall be payable to Council Members (excluding Principal Members) of non-metropolitan Councils whose usual place of residence is within the relevant Council area and is located at least 30km but less than 50km, 50km or 100km or more distance from the Council’s principal office via the nearest route by road: 30-49km = \$336, 50km or more = \$560, 100km or more = \$1120.

2. Care Expenses:

2.1 Name of Child/Dependent	2.2 Date of Care	2.3 Prescribed meeting attended	2.4 Hours of Care Provided	2.5 Care Provider

- Reimbursement claim: \$.....

Please attach copies of all receipts.

***NOTE: A ‘prescribed meeting’ means a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

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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 otherwise payment will be delayed.

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

.....
Signature of Council Member

Date:

FOR OFFICE USE ONLY

.....
Signature of Chief Executive Officer (Acknowledging receipt)

Date:

Claim processed by:

Form 2

Council Member's Reimbursement Claim - Approved

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 Council Member's Allowances & Benefits Policy).

1. Travel Expenses

1.1 Date of Travel	1.2 Council Function or Business Attended	1.3 Mode of Transport	1.4 Distance Travelled (km), if Motor Vehicle

1.5 Details of your motor vehicle (where applicable):

- Model and make of motor vehicle:
- Total number of kilometres for reimbursement claim:
(Reimbursement rate = 0.68 cents per kilometre, regardless of engine size)

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1.6 Bus and/or taxi costs and associated receipts (where applicable):

- Reimbursement claim: \$.....

Please attach copies of all receipts.

2. Care Expenses

2.1 Name of Child/Dependant	2.2 Date of Care	2.3 Council Function or Business Attended	2.4 Hours of Care Provided	2.5 Care Provider

- Reimbursement claim: \$.....

Please attach copies of all receipts.

3. Conference, Seminar or Training Course

3.1 Date	3.2 Council Function or Business Activity	3.3 Venue/Location of Function or Business Activity

- Reimbursement claim: \$.....

Please attach copies of all receipts.

NOTE: *Electronic version in the TRIM System is the controlled version
Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version*

4. Other Reimbursements

4.1 Date	4.2 Description of reimbursement

- Reimbursement claim: \$.....

Please attach copies of all receipts.

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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 otherwise payment will be delayed.

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

.....
Signature of Council Member

Date:

FOR OFFICE USE ONLY

.....
Signature of Chief Executive Officer (Acknowledging receipt)

Date:

Claim processed by: