



POLICY DOCUMENT

9.63.20

Policy Name	Council Members' Allowances and Benefits
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Responsible Department:	Corporate & Community
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Next review date:	This Policy will lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Members' allowances, reimbursements and benefits for their term in office (section 77(2) the Act)
Applicable Legislation:	Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010 Remuneration Act 1990
Related Policies:	Behavioural Standards for Council Members 9.63.3 Model Behavioural Management Policy 9.63.28 Council Members Training and Development Policy 9.63.12
Related Documents:	Remuneration Tribunal of South Australia Determination No. 2 and 5 of 2022 9.33.1.3 Register of Council Members Allowances & Benefits Elected Member Reimbursement Voucher 7-1-T26

1. INTRODUCTION

Council Members are volunteers in their community and undertake a variety of tasks in the role. State Parliament has recognised the effort involved in being a Council Member and has provided for allowances for performing and discharging their functions and duties on Council and benefits to Members to reimburse them for expenses incurred a Council Member.

This Policy sets out the provisions of the Local Government Act 1999 (the Act) and the Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations) in respect of Council Member allowances, expenses and support. This Policy is also provided in accordance with Section 77(1) (b) of the 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.

2. OUR APPROACH

Council will ensure that the payment of Council Members' allowances, the reimbursement of expenses and the provision of benefits to the Council Members is transparent and accountable to its community for the use of public monies, in accordance with the *Local Government Act 1999* and the Local Government (Members Allowances and Benefits) Regulations 2010.

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 and any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.

3. LEGISLATIVE REQUIREMENTS AND CORPORATE POLICY CONTEXT

Chapter 5, Part 5 of the Act sets out the requirements for the setting of allowances and benefits for Council Members. The rate of the allowances are set by the Remuneration Tribunal of South Australia on a 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 conclusion of the relevant periodic election. Council Member allowances are adjusted annually to reflect changes in the Consumer Price Index (CPI) (All groups index for Adelaide). The Council may provide facilities and other forms of support to the Members to assist the Members in performing or discharging their official functions and duties.

4. SCOPE & RESPONSIBILITIES

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

The Council's Chief Executive Officer has the duty to:

1. maintain the Register of Allowances and Benefits;
2. 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).

In addition, the Chief Executive Officer is responsible for:

1. implementing and monitoring expense reimbursement procedures in accordance with the *Local Government Act 1999*, the associated regulations, this Policy and any associated procedure; and
2. ensuring a copy of this Policy is provided to all Council Members.

5. DEFINITIONS

The Local Government (Members Allowances and Benefits) Regulations 2010 defines a:

"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."

"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;

6. **MEMBERS ALLOWANCES**

In accordance with Section 76 of the Act, a member of a Council is entitled to an allowance determined by the Remuneration Tribunal of South Australia in relation to the member's office. The allowance under section 76 of the Act is not intended to amount to a salary for a member and will be taken to be in the nature of a fee under the definition of *remuneration* in the Remunerations Act 1990.

The annual allowance for the City of Port Lincoln Council Members will be paid in instalments, three (3) months in arrears.

The allowance may be expended at the absolute and unfettered discretion of the Council Member.

The allowances across the state have been banded into six (6) Council groups. The City of Port Lincoln is in Group three (3). The Mayoral allowance will be four times that of the councillor allowance, with the deputy mayor or a presiding member of a prescribed committee allowance being set at 1.25 times the annual allowances for the Council Members of City of Port Lincoln Council.

The Remuneration Tribunal's determination of the Councillor Allowance for group three councils, which came into effect at the conclusion of the 2022 Local Government Elections are:

Councillor	\$15,381 pa
Deputy Mayor & Presiding Members	\$19,226 pa
Mayor	\$61,524 pa

A Deputy Mayor/Deputy Chairperson will receive a higher duties allowance payment if they are required to undertake the duties of the Mayor/Chairperson for a consecutive period of one month or more as per the decision of the Remuneration Tribunal.

An additional allowance in the form of a sitting fee, determined by the Remuneration Tribunal of South Australia to apply to Councils in 'Group 3', will be payable for Councillors, other than the principal member, deputy mayors, deputy chairpersons or presiding members of prescribed committees, who are presiding members of other non-prescribed Committees.

7. **LEAVE OF ABSENCE – COUNCIL MEMBER CONTESTING ELECTION**

If a Council Member stands as a candidate for election as a member of State Parliament, Section 55A of the Local Government Act automatically grants a leave of absence from the date on which nominations for the relevant election close until the result of the election is publicly declared.

During the leave of absence period the Council Member:

- is not entitled to receive any Council Member allowance or reimbursement of expenses;
- must not use any facility, service or other form of support provided by the Council; and
- must not carry out any function or duty as a Council Member.

A maximum penalty of \$15,000 applies for a breach of this section of the Local Government Act 1999.

8. **REIMBURSEMENT OF EXPENSES**

In accordance with Section 77(1) (a) of the Act, Members are entitled to reimbursement of expenses of a kind prescribed in the Regulations incurred in performing or discharging official functions and duties. Receipts and/or other supporting documents will be required before any claims for reimbursements will be paid.

8.1. ***Travelling Expenses***

Pursuant to Regulation 5(1) (a), a member of Council is entitled to reimbursement for travelling expenses actually and necessarily incurred in travelling to or from a *prescribed meeting* if :

- (i) the journey is an eligible journey; and
- (ii) the journey is by the shortest or most practicable route;

Regulation 5(2)(a) stipulates that if an eligible journey relates to travel between a place within the area of the council and a place outside the area of the council, (in either directions), the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the Council.

In the interest of accountability to the community for the use of public money and in recognition of the short distances the Council Members for the City of Port Lincoln are required to travel within the area of the Council to attend prescribed meetings, the general practice is that claims are not made under this provision.

8.2. *Child Care / Dependant Care*

Pursuant to Regulation 5(1)(b), a member of Council is entitled to reimbursement of expenses actually or necessarily incurred as a consequence of the Council Members attending a prescribed meeting for the care of:

- (i) a child of the member; or
- (ii) a dependant of the member requiring full-time care

However Regulation 5(2)(b) states that a member of a council is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the member.

9. ADDITIONAL EXPENSES SUPPORT AND FACILITIES APPROVED UNDER THIS POLICY

Section 77(1) (b) of the Act provides that the Council may approve the reimbursement of additional expenses incurred by Council Members in performing or discharging official functions and duties, either on a case-by-case basis by resolution of Council or under a policy adopted by Council. The Regulation sets out the types of additional expenses that can be considered for reimbursement, for the purposes of section 77(1) (b) of the Act. In the interest of accountability to the community for use of public money, Council has determined that the allowance provided under Section 76 of the Local Government Act 1999 will be all-inclusive with the exception of the following expenses, benefits or support approved in this policy.

9.1. *Intrastate Conferences, Seminars, Training and Prescribed Meetings*

Council supports continued training and development for Council Members, to foster good community governance and the improved performance of Council's functions and duties. Council Members must have the approval of the CEO or Council to attend a conference, training, seminar or prescribed meeting to ensure that it is directly or closely related to the performance or discharge of the roles and duties of a Council Member.

Where attendance at the conference, seminar, training or prescribed meeting is approved, the following types of expenses will be paid for by Council or can be reimbursed to the Council Member:

- Registration fees
- Travel costs when the member is required to travel outside of the Council area.
- Accommodation and meals (excluding alcohol)
- Attendance at associated official functions

Prior to the date of the event, Council staff will make the necessary approved arrangements which may include registration, travel and accommodation bookings. Flights will be booked with Council's preferred air carrier unless other flight schedules are more 'time effective' to meet the needs of the training/meeting, and has been pre-approved by the CEO. Council Members are not permitted to add their own personal Frequent Flyer Membership Number to the bookings, as receiving a personal benefit from Council's resources (payment of flights) is a direct breach of Section 62(4) of the *Local Government Act 1999*.

When required to stay away from home, Council staff will book separate accommodation for individual elected members and staff. If separate accommodation is not possible for each individual, sharing of accommodation will be pre-arranged with the participants before the event.

9.2. *Interstate Conferences, Seminars and Training*

Interstate conferences, seminars or training will require approval by resolution of Council before any cost will be reimbursed. The Council will also determine what expenses and to what extent will be paid/reimbursed, dependent on the nature of the activity and its relevance to the performance or discharge of the roles and duties of a Council Member but may include:

- Full or part share of travelling costs (economy class) including necessary taxi fares;
- Full or part share of actual and reasonable costs incurred for accommodation and meals

Pursuant to Regulation 35 of the Local Government (General) Regulations 2013, a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by members of the council during the relevant financial year funded in whole or in part by the council; must be reported in Council's Annual Report.

9.3. *Support and Facilities*

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

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 Council Members to assist them in performing or discharging their official functions and duties:

- iPads
- Cellular Data for all iPads
- Council email address
- Secure Elected Member Extranet
- Business Cards as determined by the CEO
- Name Badges
- Council Polo Shirt

9.4. *Support and Facilities Available Exclusively for the Mayor*

Council has resolved to make available to the Mayor the following additional facilities and support to assist the incumbent in performing and discharging official functions and duties if required:

- Access to a laptop computer
- Mobile Telephone
- Executive administrative support within resourcing capacity

9.5. *Conditions of Support & Facilities Provisions*

These support facilities are provided to all Council Members (including the facilities provided exclusively for the Mayor) on the following basis:

- the facilities remain the Council's property regardless of whether they are used off site or not; and each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
- they are not to be used for a private purpose or any other purpose unrelated to official Council functions and duties.
- all facilities must be returned to the Council at the end of each term in 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 CEO

10. OTHER REIMBURSEMENTS

Any additional reimbursements, facilities and support which is either not prescribed under the Act and the Regulations or approved pursuant to this Policy, will require a resolution of Council prior to any reimbursements being paid, benefits being received or facilities and/or support being provided.

11. REIMBURSEMENT PROCESS

The preferred method of payment for approved expenditure is via arrangements made by Council's administration staff, and paid for through the issue of Council purchase orders. Reimbursement of expenses will only be paid to a Council Member upon the presentation of adequate evidence supporting the claim and, for the purposes of maintaining the Register of Allowances and Benefits, claims for reimbursement must be made at quarterly intervals of not more than three (3) months from the time the expense was incurred.

All claims for reimbursement must be submitted in writing to the Chief Executive Officer on the *Elected Member Reimbursement Voucher (7-1-T26)* along with the appropriate supporting evidence which should include, but is not limited to, receipts and tax invoices. The Elected Member is required to sign the declaration at the bottom of the reimbursement voucher to verify that all expenses were incurred in the course of council business.

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

12. REGISTER OF ALLOWANCES AND BENEFITS

Pursuant to Section 79 (1) and (2) of the Act, the Chief Executive Officer must ensure that a Register is kept and maintained on a quarterly basis and must include a record of:

- the annual allowance payable to a Council Member; and
- any expenses reimbursed under section 77(1)(b) of the LG Act; and
- other benefits paid or provided for the benefit of the Member by the Council

The Register of Allowances and Benefits will be published on council's website. A copy of an extract of the Register can be purchased upon payment of a fixed fee.

13. **SERVICE RECOGNITION**

Service to the City of Port Lincoln by long serving Council members will be recognised on the following occasions:

- After twelve (12) years of continuous service, being the equivalent of 3 x 4 year terms. Council Members will be presented with a gift chosen by the Mayor (or Deputy Mayor) up to the value of \$150 (including GST) together with a framed certificate of service.
- After twenty (20) years of continuous service, being the equivalent of 5 x 4 year terms. Council Members will be presented with a gift chosen by the Mayor (or Deputy Mayor) up to the value of \$500 (including GST) together with a framed certificate of service and a 20 year service lapel pin.
- All presentations will be made by the Mayor at a normal meeting of Council, or at another time, ie Australia Day, as agreed by Council.

13.1. *Retiring and non re-elected members*

In addition, in an election year, retiring, and non re-elected members, who have completed more than 12 years of continuous service, will receive recognition. Acknowledgement will be made at the following Australia Day celebrations and the elected member will be presented with a City of Port Lincoln plaque which will be engraved with the words:

Presented to (Councillors/Mayor Name)

In grateful recognition of

Xx years of service

As a Councillor/Mayor of

The City of Port Lincoln

Presented by

Mayor (mayors name)

Date

At the Council's discretion taking into consideration previous recognition, a gift to the equivalent value of the 20 years of service may also be given.

14. **RELEVANT DELEGATED POWERS AND DUTIES**

Any actions or decisions made regarding this policy, will be enacted upon as per Council's current Delegations Register.

15. **REVIEW**

Council Member allowances are determined on a four yearly basis by the Remuneration Tribunal of South Australia. This Policy will be reviewed after the next general election or on significant change to legislation or aspects included within this policy.