



Light
Regional
Council

Council Members Allowances and Benefits Policy

Reference Number:	Section 6 No. 24
Responsible Department:	Business & Governance
Related Policy/Procedure:	2.02 Council Members Code of Conduct, and successor Behavioural Standards Policy (to be adopted) 6.01 Council Members Training & Development Policy, 6.10 Caretaker Policy, 6.19 Council Members Electronic Communication and Equipment Procedure. Register of Allowances and Benefits
Date of Adoption:	25 August 2015
Current Review Date:	22 November 2022
Resolution Number	OCM-2022/207
Version Number:	2
Applicable Legislation:	Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010
Next Review Date:	March 2027
Review Frequency:	Every 4 years within 12mths of a Council election

1. Introduction

Light Regional 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.

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 58 of the LG Act specifies the role of the Principal Member as the leader of the Council. Section 59 of the LG Act provides the role of a Council Member as a member of the governing body of the Council.

The 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.

2. Policy Objective and Scope

The Policy objective is to ensure Council Member allowances, the reimbursement of expenses, and the provision of benefits, facilities and support by the Council are in accordance with the requirements of the LG Act and the Regulations.

The policy applies to all Council Members.

Any additional benefits received by Council Members from individuals or organisations outside of the Council will be managed and recorded in accordance with the mandatory Code of Conduct for Council Members published from time to time by the State Government, the LG Act, and its Regulations.

This Policy shall be read in conjunction with Council's policy number 6.1 *Council Members Training & Development Policy* in terms of payments and reimbursements of expenses incurred for professional development opportunities.

3. Definitions

"benefit" is something that is helpful to or favourable for Council Members in the course of, or related to the performance of, the Council Member's role, functions or duties. The details of such benefits, whether they are paid or payable for, or, provided to the Council Member by the Council, must be recorded in the Register of Allowances and Benefits.

"council members" means a person or persons duly elected or appointed as a councillor for the Light Regional Council area and includes the Mayor and Deputy Mayor.

"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.

"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.

4. Responsibilities

4.1 All Council Members have an obligation to abide by this Policy. This obligation extends to the requirements of codes, policies and procedures prepared by the State, the local government sector generally, and Council; and further extends to the provision and keeping of records and the appropriate use of Council owned equipment and resources.

4.2 Council's Chief Executive Officer or other council officer as delegated, has the duty to:

4.2.1 maintain the Register of Allowances and Benefits as required by the LG Act and Regulations;

4.2.2 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 under the scheme prescribed by the Regulations); and

4.2.3 ensure that a copy of this Policy is provided to all Council Members and that copies of this Policy are available for inspection by the public at the principal office of the Council.

4.2.4 implement and monitor expense reimbursement procedures in accordance with the LG Act, the Regulations, this Policy and any associated procedure.

5. Policy Principles

- 5.1 Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- 5.2 Council Members are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses in performing or discharging their official functions and duties.
- 5.3 Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- 5.4 Facilities and support provided to Council Members will be provided on a uniform basis, other than facilities or services specifically provided for the benefit of the Mayor.
- 5.5 The accountability of the Council is to its community for the use of public monies.

6. Allowances

- 6.1 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. The annual allowance for a Council Member is determined according to the relevant Council Group as noted in the Determination of the Remuneration Tribunal as published for the relevant period in the SA Government Gazette. Annual Consumer Price Index (all Groups for Adelaide – September quarter each year) adjustments apply in November each year at the first, second and third anniversaries of the relevant periodic elections.
- 6.2 An allowance determined by the Remuneration Tribunal will be payable for the period commencing on the conclusion of the periodic election, and concluding with the last result of the next periodic election as certified by the Electoral Commissioner under the Local Government (Elections) Act 1999.
- 6.3 As per regulation 4 of the Regulations, referencing section 76 of the LG Act, Council has resolved to pay the allowance quarterly in advance in the months of November, February, May and August each year. Where a council member discontinues service or becomes a member of council as consequence of a supplementary council election, an adjustment to the allowance paid or payable is made at the time.
- 6.4 An additional allowance is also payable for Council Members who are presiding members of other committees (excluding the deputy mayor). A sitting fee might also be payable where mandated through the terms of reference of a council related committee, working party or authority.
- 6.5 A Council member may decline to accept payment of an allowance (section 76(12) of the LG Act) or sitting fee.
- 6.6 Pursuant to the determination made by the Remuneration Tribunal (which may be amended by the Tribunal from time to time), Council Members (excluding Principal Members) of non-metropolitan Councils are eligible for payment for a travel time. Refer to the gazetted Remuneration Tribunal Determination and Criteria.

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

- 6.7 A statement of earnings will be provided to Council Members at the conclusion of each financial year.

6.8 Leave of absence – council member contesting election

6.8.1 If a Council Member stands as a candidate for election as a member of State Parliament, Section 55A of the LG 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.

6.8.2 During the leave of absence period the Council Member is not permitted to receive any Council Member allowances 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. Penalties apply under the LG Act where there is a breach of the LG Act (up to \$15,000).

7. Mandatory Reimbursements per Section 77(1)(a) of the Act

- 7.1 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).
- 7.2 Reimbursement for travel expenses is restricted to eligible journeys provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area. 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 at Clause 8.
- 7.3 Where a Council 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 Commonwealth’s *Income Tax Assessment Act 1997*.
- 7.4 Council Members may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then claim them for reimbursement on a quarterly basis in arrears. (See clause 8).
- 7.5 Council Members are entitled to reimbursement for child and or 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 and or dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

8. Council Approved Reimbursements per Section 77(1)(b) of the Act.

- 8.1 Section 77(1)(b) of the LG Act provides that the Council may approve the reimbursement of additional expenses as set out in the Regulations (Regulation 6) 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 are:

- 8.1.1 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 where the devices are not supplied by Council;
- 8.1.2 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);
- 8.1.3 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;
- 8.1.4 expenses for the care of a child of the Member, or a dependent of the Member requiring full-time care incurred 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
- 8.1.5 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.

8.2 Travel

Pursuant to section 77(1)(b) of the LG Act the Council delegates to the Chief Executive Officer (who may sub-delegate to an appropriate council officer) the power to review and approve the reimbursement of the cost of travel to a function or activity on the business of the Council or closely related thereto; and in undertaking an eligible journey to the extent those expenses are attributable to travel outside the area of the Council.

Conditions attached to this clause include;

- 8.2.1 travel both within and outside the Council area must be incurred by the Council Member as a consequence of attendance at a function or activity on the business of Council. A 'function or activity on the business of the Council' includes official Council functions including Mayoral/Chairperson receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc.; inspection of sites within the Council area which relate to Council or Committee agenda items; meetings of community groups and organisations as an authorised Council representative.

- 8.2.2 reimbursement is restricted to the shortest or most practicable route.
- 8.2.3 where a Council Member travels by private motor vehicle, the rate of reimbursement is as stated in Clause 7.3.
- 8.2.4 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).
- 8.2.5 travel by taxi, bus, plane or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Member's attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route.
- 8.2.6 There shall be no travel time payment unless authorized by the determination made by the Remuneration Tribunal. Refer to Clause 6.6.

8.3 Care and Other Expenses

Pursuant to section 77(1)(b) of the LG Act the Council delegates to the Chief Executive Officer (who may sub-delegate to an appropriate council officer) the power to review and approve the reimbursement of:

- 8.3.1 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).
- 8.3.2 Expenses incurred by the Council 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 Council Member (other than expenses for which the Member is reimbursed under section 77(1)(a) of the LG Act).

Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council, annual budgetary appropriations, or under delegation/policy, e.g. under Council's "Council Member Training and Development Policy".

Where attendance at the conference, seminar etc is approved the following types of expenses can be reimbursed at actual cost: airfares (economy class), registration fees, accommodation, meals, taxi fares, car parking and incidentals. Council's administration will co-ordinate the most cost effective and convenient domestic or international airfares by economy class with additional travel arrangements and accommodation expenditures also being co-ordinated in a cost effective and convenient manner to maximise the availability of discounted tariff opportunities.

- 8.3.3 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 electronic devices (e.g. iPad), printer cartridge, contribution towards mobile telephone account, where these have not already been provided by the Council.

8.4 Facilities and 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).

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; personal or laptop computers, iPad, printer, stationery items, use of Council meeting rooms, and where appropriate, the provision of Executive clerical support.

The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the LG Act on the following basis:

- 8.4.1 they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties;
- 8.4.2 the facilities remain the Council's property regardless of whether they are used off site or not; and
- 8.4.3 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.

In addition, although not required by the LG Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- 8.4.4 each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
- 8.4.5 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;
- 8.4.6 if the facilities provided to the Council Member are damaged or lost the Council Member must lodge a written report with the Council officer responsible for this Policy (whose name is detailed at the end of this Policy).

Council Elections

The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances. Also refer to Council's Caretaker Policy.

Insurance

As required by Section 80 of the LG Act, Council will take out an insurance policy(s) 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.

8.5 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.

9. Claims for Reimbursement

Council Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. Claim procedures are separately documented outside of this policy document, but shall include a reminder notification to the Council Member at a suitable date for operational purposes each quarter, in order that expenditure claims are managed expeditiously in budgetary terms.

The Council has resolved that the reimbursement of expenses under clauses 7 and 8 above and those requiring Council approval by policy, will be paid in arrears on a quarterly basis in the months as described in clause 6.3 above unless as otherwise agreed having regard to the level of expenditure incurred (for example, expenses incurred for the November to January period will be reimbursed in the month of February each year, and so on).

The production of relevant receipts or other evidence of expenditure must be presented where reimbursement is claimed. All documentation received will be managed in accordance with Council's records management practices.

Council will as part of its annual budgetary processes make an estimate of Council members' reimbursable expenses.

No limiting value or daily maximum value is set by this policy; rather the value is determined by what might be considered 'reasonable' given the circumstances of the situation.

10. Register of Allowances and Benefits

The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the Council's principal office located at 93 Main Street, Kapunda and on the Council's website www.light.sa.gov.au. Copies or extracts of the Register are available for purchase upon payment of a fixed fee as stated within Council's Schedule of Fees and Charges.

11. Review and Evaluation

This Policy, in its entirety, will be reviewed as soon as is possible following the conclusion of the general election of Council.

The review of the Council Members allowances is undertaken on a 4 yearly cycle by the Remuneration Tribunal by the prescribed date prior to the general council elections occurring.

Council member expenditure reimbursement claims may be audited for accuracy and accountability purposes from time to time but at least annually in line with Council's external audit program.

12. Policy History

Policy adopted at Council Meeting held 25 August 2015, refer minute reference AUD9.2.2/2015 page 2015/258.

Amendment 1 adopted at Council Meeting held 26 November 2019, refer minute reference 2019/346.

Amendment 2 adopted at Council Meeting 22 November 2022, Resolution No OCM-2022/207