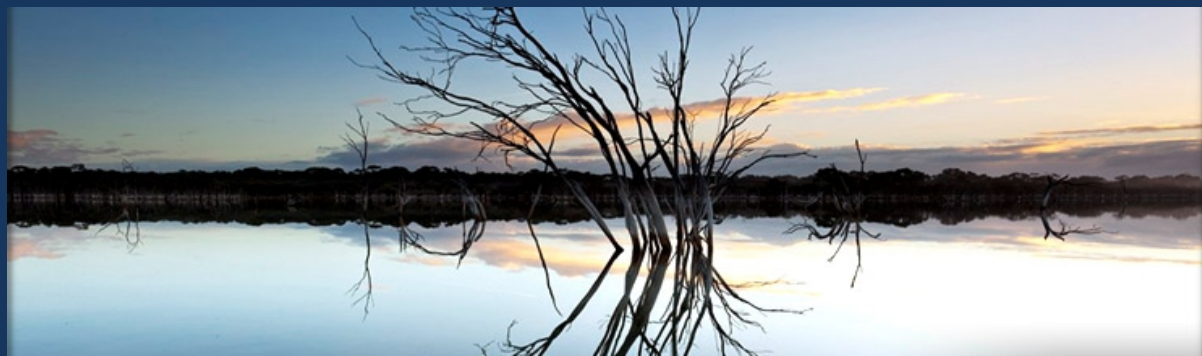





Council Members Allowances & Benefits



“Working with our Rural & Coastal Communities”

	GOV-POL-04 – COUNCIL MEMBER ALLOWANCES & BENEFITS	Version No:	3.1
		Issued:	June 2023
		Next Review:	November 2026

Responsible Department:	Corporate Services
Policy Adopted:	21/06/2023
Minute Reference:	OCM/23/062
Applicable Legislation:	<i>Local Government Act 1999</i>
Related Policies/Procedures:	Code of Conduct – Elected Members GOV-POL-12 – Training, Elected Members
Review Frequency:	Within 12 months of the periodic Council election

1. INTRODUCTION

The Lower Eyre Council (“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 Local Government Act”) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (“the Allowances Regulations”).

This Policy sets out the provisions of the Local Government 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 Local Government 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 59 of the Local Government Act provides that the role of a Council Member, as a member of the governing body of the Council, is:

- (i) to act with integrity;
- (ii) to ensure positive and constructive working relationships within the council;
- (iii) to recognise and support the role of the principal member under the Local Government Act;
- (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body;
- (v) to participate in the deliberations and activities of the council;
- (vi) to keep the council’s objectives and policies under review to ensure that they are appropriate and effective; and
- (vii) to keep the council’s resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;
- (viii) to ensure, as far as is practicable, that the principles set out in section 8 of the Local Government Act are observed;
- (ix) to participate in the oversight of the chief executive officer’s performance under the council’s contract with the chief executive officer; and
- (x) to serve the overall public interest.

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Section 58 of the Local Government Act specifies the role of the Principal Member as leader of the Council is to:

- (a) to provide leadership and guidance to the council; and
- (b) to lead the promotion of positive and constructive working relationships among members of the council; and
- (c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
- (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- (e) to preside at meetings of the council; and
- (f) to liaise with the chief executive officer between council meetings on the implementation of a decision of the council; and
- (g) to act as the principal spokesperson of the council; and
- (h) to exercise other functions of the council as the council determines; and
- (i) to carry out the civic and ceremonial duties of the office of principal member.

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 Local Government Act.

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

2. POLICY OBJECTIVE

2.1 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 Local Government Act and the Allowances Regulations.

3. SCOPE & RESPONSIBILITIES


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

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

- (a) maintain the Register of Allowances and Benefits;
- (b) adjust allowances paid to Council Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI")); and
- (c) ensure copies of this Policy are published on a website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.

3.3 In addition, the Chief Executive Officer is responsible for:

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

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4. POLICY PRINCIPLES

4.1 This Policy is underpinned by the following principles:

- (a) Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- (b) 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.
- (c) 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).
- (d) Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging official Council functions and duties, which will be assessed according to the role of a Council Member under the Local Government Act.
- (e) The accountability of the Council to its community for the use of public monies.

5. ALLOWANCES

5.1 Council Member allowances are determined by the Remuneration Tribunal on a four-yearly basis with each determination required to be made 14 days before the close of nominations for each set of periodic elections held under the Local Government (Elections) Act 1999.

5.2 The relevant determination for the Council term commencing in November 2022 is Determination No. 2 of 2022 – Allowances for Members of Local Government Councils.


5.3 The allowance determined by the Remuneration Tribunal will be payable for the period:

- commencing on the conclusion of the 2022 periodic election; and
- concluding at the time the last result of the 2026 periodic election is certified by the Electoral Commissioner under the *Local Government (Elections) Act 1999*.

5.4 The annual allowance for:

- principal members, is equal to four times the annual allowances for council members;
- deputy mayor or deputy chairperson 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 allowance for council members;

An additional allowance in the form of a sitting fee is also payable for council members who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).

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5.5 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 (All groups index for Adelaide). Adjustments will occur on 10 November 2023, 10 November 2024, and 10 November 2025. The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).

5.6 In accordance with regulation 4 of the Allowances Regulations (and for the purposes of section 76 of the Local Government Act), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.

5.7 The Lower Eyre Council Member Allowances will be paid monthly in arrears by electronic funds transfer to a nominated bank account.

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

6. LEAVE OF ABSENCE – COUNCIL MEMBER CONTESTING ELECTION

6.1 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.

6.2 During the leave of absence period the Council Member:

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

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


7. MANDATORY REIMBURSEMENTS – TRAVEL (SECTION 77(1)(A))

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 Local Government Act).

7.2 A “prescribed meeting” is defined under the Allowances Regulations to mean a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member:

7.3 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 the part of the journey within the Council area ie 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.

7.4 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.

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7. MANDATORY REIMBURSEMENTS – TRAVEL (SECTION 77(1)(A)) Cont'd:

7.5 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 *Income Tax Assessment Act 1997* of the Commonwealth¹.

7.6 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.

7.7 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.

8. MANDATORY REIMBURSEMENTS – CHILD/DEPENDANT CARE (SECTION 77(1)(A))

8.1 Council Members are entitled to reimbursement for child / dependant care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member’s attendance at a prescribed meeting.

8.2 Child / dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

9. ADDITIONAL EXPENSE REIMBURSEMENTS (SECTION 77(1)(B))

9.1 Any other expense reimbursement not covered by this policy or Section 77 of the Act requires a resolution of Council.

10. TRAVEL TIME PAYMENT

10.1 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 where the Council Member’s usual place of residence is within the relevant Council area and is located:

- a) **at least 30kms but less than 50km** distance from that Council’s principal office, via the most direct road route
- b) **at least 50km but less than 75km** distance from that Council’s principal office, via the most direct road route
- c) **at least 75kms but less than 100kms** from that Council’s principal office, via the most direct road route;
- d) **100km or more** distance from that Council’s principal office, via the most direct road route


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

¹ Section 28.25 of the *Income Tax Assessment Act 1997* (Cwth) relates to the ‘cents per kilometre’ method. The Commissioner for Taxation may, by legislative instrument, determine rates of cents per kilometre for cars for an income year. Refer to ato.gov.au for cents per kilometre rates.

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11. FACILITIES AND SUPPORT

- 11.1 In addition to allowances and the reimbursement of expenses, the Local Government 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).
- 11.2 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).
- 11.3 Pursuant to section 78 of the Local Government 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:
- Elected Member email addresses
 - iPads with internet access
 - Business Cards
 - Key card for access to secure compound at the Port Lincoln Airport.
- 11.4 The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the Local Government Act on the following basis:
- they are necessary or expedient for the Council 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 Council Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.
- 11.5 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 Mayoral phone (or a contribution of \$40 per month towards a personal phone if the Mayor declines a separate Council Phone) for the performance of Mayoral duties.
- 11.6 In addition, 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 Council Members on the following terms:
- each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
 - 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 with the Council officer responsible for this Policy;

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11. FACILITIES AND SUPPORT

Cont'd:

- The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the 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.

12. CLAIMING REIMBURSEMENTS

- 12.1 To receive reimbursement for expenses, each Council Member is required to provide the claim reimbursement for to Accounts Administration at least quarterly.
- 12.2 Receipts confirming the expenditure has been incurred must be provided with any claim made for reimbursement.

13. REGISTER OF ALLOWANCES AND BENEFITS

- 13.1 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 payable to a Council Member (in the case of section 79 (1)(a)); and
 - any expenses reimbursed under section 77(1)(b) of the Local Government Act (in the case of section 79(1)(b)); and
 - 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 Allowances Regulations).

- 13.2 Reimbursements paid under section 77(1)(a) of the Local Government Act are not required to be recorded in the Register.

14. FURTHER INFORMATION

- 14.1 Members of the public may inspect this policy on Council's website www.lowereyrepeninsula.sa.gov.au and at the principal office of the District Council of Lower Eyre Peninsula at 32 Railway Terrace, Cummins, SA **OR** email mail@dclep.sa.gov.au **OR** phone 8676 2106.
- 14.2 On payment of a fee, a copy of this policy may be obtained from the Council, or otherwise may be downloaded for free from the Council's website.
- 14.3 Any queries in relation to this policy should be directed to the Chief Executive Officer.

15. REVIEW

- 15.1 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 Member's allowances, reimbursements and benefits for their term in office (section 77(2) LG Act).
- 15.2 The Council may at any time alter this policy, or substitute a new policy.



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DOCUMENT HISTORY

Version:	Issue Date:	Description of Change:
1.0	Nov 2014	Adopted by new Council
2.0	Nov 2018	Adopted by new council
3.0	Nov 2022	Adopted by new Council
3.1	June 2023	Insertion of allowance (or phone) for Mayoral position