

S0006: ELECTED MEMBER ALLOWANCES AND BENEFITS

Policy Type:	Statutory Policy
Responsible Department:	Office of the CEO
Responsible Officer:	Executive Manager Office of the CEO
Related Policies and Procedures	<ul style="list-style-type: none"> • S0007: Elected Member Training and Development Policy • S0015: Seeking Legal Assistance and Advice Policy
Community Plan Link	<i>Civic Leadership:</i> 4.1 We have strong leadership and governance 4.3 Our business systems are effective and transparent
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1. PREAMBLE

1.1. The City of Unley seeks to ensure that the payment of Elected Member allowances, the reimbursement of expenses and the provision of facilities and support is accountable, transparent and in accordance with the *Local Government Act 1999*, *Local Government (Members Allowances and Benefits) Regulations 2010*, and *Remuneration Tribunal Determination No. 6 of 2018: Allowances for Local Government Councils*.

1.2. Allowances, reimbursements, facilities and support are provided to Elected Members to enable them to effectively perform or discharge official functions and duties.

2. SCOPE

2.1. This policy applies to all Elected Members

3. POLICY PURPOSE/OBJECTIVES

3.1. This policy sets out

- Elected member allowances as determined by the Remuneration Tribunal in *Determination No. 6 of 2018: Allowances for Local Government Councils*;
- The expenses that may be reimbursed to Elected Members, as provided for within the *Local Government Act 1999/Local Government (Members Allowances and Benefits) Regulations 2010*;

- Facilities and other support available to all Elected Members as determined by Council; and
- Additional facilities and other support available only to the office of Mayor.

4. DEFINITIONS

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.

Facilities and support – facilities and other forms of support made available to Elected Members in accordance with Section 78 of the *Local Government Act 1999*.

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.

Prescribed reimbursements – are those reimbursements provided for within Section 77 of the *Local Government Act 1999* (and supporting Regulations).

5. POLICY STATEMENT

5.1. Elected Members shall be provided with reimbursements, facilities or support that are necessary or expedient to the performance or discharge of official functions or duties.

5.2. In support of this philosophy Elected Members are provided with a range of reimbursements, facilities and support on the following basis:

- All facilities and support are made available to Elected Members on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).
- Any property provided to an Elected Member in accordance with this policy remains the property of Council.
- Reimbursements will be restricted to prescribed reimbursements (travel and child care related) unless otherwise approved within this Policy or specifically approved by way of Council resolution.
- All reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred. Requests for reimbursement must be received within the financial year relevant to the expense incurred and must include full details of the nature of the expense, be supported by evidence of the expense and accompanied by the relevant request for reimbursement form.

5.3. Section 77(1)(b) of the *Local Government Act 1999* allows for the provision of further reimbursement of expenses, subject to the approval of council. Schedule 2 of this Policy provides full details relating to reimbursements that may be made to Elected Members.

5.4. As required by section 79 of the *Local Government Act 1999*, the Chief Executive Officer will ensure a record of the allowances paid, expenses reimbursed or any other benefits paid or provided to a member is maintained (Register of Allowances and Benefits). The Register is to be available for public inspection, without charge, at the Civic Centre offices during normal business hours. An extract from the Register may be purchased upon payment of a fee determined through the Council's annual Review of Fees and Charges.

5.5. Elected Member Allowances are prescribed by Remuneration Tribunal *Determination No. 6 of 2018: Allowances for Local Government Councils* and will be adjusted in accordance with that Determination on an annual basis.

5.6. Schedules to this Policy provide details of:

- Elected Member Allowances (Schedule 1)
- Approved reimbursements (Schedule 2)
- Additional facilities and support (Schedule 3)
- Facilities and support specific to the Mayor (Schedule 4)

6. LEGISLATION

- *Local Government Act 1999*, sections 76, 77 and 78
- *Local Government (Members Allowances and Benefits) Regulations 2010*
- *Determination No. 6 of 2018: Allowances for Local Government Councils*

7. AVAILABILITY OF POLICY

7.1. The Policy is available for public inspection during normal office hours at:

The Civic Centre,
181 Unley Road, Unley SA 5061.

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website www.unley.sa.gov.au.

8. DOCUMENT HISTORY

Date	Ref/Version No.	Comment
27/06/2006	C362/2006:V1	
27/04/2010	C665/2010:V2	
26/07/2010	C701/2010:V3	
30/01/2012	C341/2012:V4	
28/05/2012	C420/2012:V5	
11/03/2014	C1073/2014:V6	
24/11/2014	C2/2014:V7	Mandatory Post-Election Review-
26/11/2018	C1341/2018: V8	Mandatory Post-Election Review- Replacement of Previous Policy
28/09/2020	C0347/20: V8.1	Schedule 4: changes to allocation of business cards and communication devices

SCHEDULE 1 – ELECTED MEMBER ALLOWANCES

1. Elected Member Allowances are determined by the Remuneration Tribunal SA and set out in *Determination No. 6 of 2018: Allowances for Local Government Councils*. In summary, this determination provides the following allowances for City of Unley Elected Members:

Mayor:	\$69,080 per annum
Deputy Mayor:	\$21,587.50 per annum
Presiding Member of a “prescribed committee”:	\$21,587.50 per annum
Elected Member:	\$17,270 per annum
<p><i>An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member, or deputy principal member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, as follows:</i></p> <p><i>An allowance of \$170 per meeting limited to an aggregate amount of allowance of \$1,020 per annum.</i></p>	

2. The allowances prescribed in Determination No. 6 of 2018 are operative for all council members from the first ordinary meeting of the Council held after the conclusion of the 2018 Local Government elections.
3. In accordance with section 76(9) and 76(15) of the *Local Government Act 1999*, allowances set out in *Determination No. 6 of 2018: Allowances for Local Government Councils* will be adjusted annually on the first, second and third anniversaries of the 2014 Local Government election to reflect changes in the Consumer Price Index under a scheme prescribed by the Regulations.
4. For the purposes of the adjustment of allowances, **Consumer Price Index** means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics.
5. Regulation 4(2) of the *Local Government (Members Allowances and Benefits) 2010* provides that an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar).
6. Regulation 4(1) of the *Local Government (Members Allowances and Benefits) 2010* provides that 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. Council has resolved that Elected Member allowances at the City of Unley will be paid quarterly in advance [Item No 1341, Council Meeting 26 November 2018].

SCHEDULE 2 – APPROVED REIMBURSEMENTS

1. In accordance with the requirements of section 77 of the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010* the kinds of expenses for which an Elected Members will be reimbursed are as follows:

With reference to section 77(1)(a), Regulation 5 provides for:

- a. Travelling expenses actually and necessarily incurred by the member 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;
 - b. Expenses for the care of –
 - i. A child of the member; or
 - ii. A dependant of the member requiring full time care actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.
2. In relation to reimbursement of travelling expenses:
 - a. 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 direction) the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council (unless the travel relates to an activity specified in clause 4 below).
 - b. The rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculated deductions for car expenses as detailed on the Australian Taxation Office website.
 - c. Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred", but is limited to 'eligible journeys' as defined in this Policy.
 3. In relation to reimbursement of care expenses:
 - a. Claims for child care/dependant expenses may include:
 - i. hourly fees (or part thereof) subject to any minimum period which is part of the provider's usual terms;
 - ii. agency booking fees;
 - iii. reasonable travelling expenses of the carer to and from the Member's residence, or of the Member's child/dependant(s) to and from the place of care.
 - b. Expenses are not payable if care is provided by a relative of the Member who ordinarily resides with the Member.
 - c. A Member must certify that the child care/dependent care expenses were incurred due to the Member's attendance on the business of Council. Claims for care services, together with supporting receipts, are to be forwarded to the CEO.

SCHEDULE 2 – APPROVED REIMBURSEMENTS

4. Council has also determined that reimbursement will be available for travel to and from the following meetings (both within and outside the Council area) and care costs associated with attendance at the following meetings (subject to the limitations set out in clause 2 above):
 - Regional Subsidiary meetings when a member is appointed by Council
 - External Committees where an Elected Member is appointed by Council
 - Activities where an Elected Member is representing the Mayor on behalf of Council
 - Conferences and Training
5. With reference to Section 77(1)(b) of the Act, which provides for reimbursement of expenses of a prescribed kind subject to the approval by Council, Regulation 6 specifies the expenses which may be reimbursed under this provision as follows:
 - a. expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;
 - b. travelling expenses 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 Act);
 - c. 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;
 - d. expenses for the care of—
 - i. a child of the member; or
 - ii. a dependant 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 Act);
 - e. 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 or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).
6. Claims for reimbursement must be submitted on the Elected Member Expense Reimbursement Form (Attachment 1).

SCHEDULE 3 – ADDITIONAL FACILITIES AND SUPPORT

Council has resolved, in accordance with section 78 of the *Local Government Act 1999*, that the provision of the facilities and support set out in this Schedule are necessary or expedient to the performance or discharge of official functions or duties by Elected Members.

The facilities and support set out in this Schedule are made available to all Elected Members on a uniform basis. An Elected Member is not obligated to receive or use any item set out in this Schedule.

An Elected Member must not use a facility or service provided by Council within this Schedule for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use) (s.78(3)).

1. **Communication Equipment**

- An internet enabled laptop computer or equivalent and compatible printer (or access to printing facilities)
- The following costs relating to Communication Equipment will be met by Council:
 - Internet access via an internet enabled laptop, up to a cost of \$60 per month per member;
 - Servicing, repair and maintenance of Council provided hardware
 - Provision of software and any necessary software upgrades to enable Members to conduct Council business within the Council IT environment;
 - Provision of training to enable effective use of communication equipment provided
 - Support services within the limits of purchasing arrangements relating to the equipment;
 - Insurance of Council provided hardware;
 - Consumable items such as toner cartridges, paper etc.
- The supply of accessories for Council issued Communication equipment, not included as part of the standard provision for IT equipment, or the cost of internet access beyond the monthly limit, will be borne by the respective Member.
- Communication equipment provided to Elected Members must be positioned and supervised in an appropriate location when in use to ensure that confidentiality of Council material is not compromised and Council information/systems are not subject to inappropriate access.
- Communication equipment provided to Elected Members must be returned within agreed timeframes following the Elected Members cessation in office.

2. **Council E-mail Account**

Elected Members will be provided with a Council email account (name@unley.sa.gov.au) for the sole purpose of performing or discharging official functions and duties. No other email account should be used for the conduct of Council business.

SCHEDULE 3 – ADDITIONAL FACILITIES AND SUPPORT

Use of the Council provided email account should be avoided on the basis that:

- a. All emails created or received (including any attachments or other documents transmitted) in the course of, or associated with, the conduct of Council business are a Council record.
- b. Council records are subject to the requirements of the *State Records Act 1997* and may be subject to disclosure under the *Freedom of Information Act*.

3. **Building Access, Meeting Room and Pigeon Holes**

Elected Members will be provided with an Access Card allowing access Elected Member Pigeon Holes and relevant meeting rooms within the Civic Centre.

Elected Members will be provided with access to a Meeting Room and Pigeon Holes to facilitate the collection of materials at the convenience of the Member.

4. **Meals and Refreshments**

Meals/refreshments will generally be provided prior to Council meetings and workshops. Every effort will be made to ensure expenditure on catering is minimised, without unnecessarily compromising quality of the catering provided.

Access to Council provided meals and refreshments by persons other than Elected Members is to be at the invitation of the Chairperson/Presiding Member of the relevant meeting or the CEO.

Chairpersons/Presiding Members are to be mindful that refreshments are provided through public funds and invitations are therefore to be issued in particular and special circumstances only, and not as a regular occurrence.

5. **Stationery**

In the place of pre-printed letterhead, Elected Members will be provided with letterhead templates to enable printing of correspondence on plain paper as required.

The following stationery items will be available to each Elected Member:

- Business Cards – up to 500 per annum
- Plain paper – up to four reams per annum
- Envelopes – up to 2000 per annum
- With Compliments Slips – up to 500 per annum
- Postage facilities – accessible via Office of the CEO
- Name badge

6. **Additional Support**

Specific Requirements

Council, or the CEO as delegate, may determine that reasonable additional facilities or expenses will be made available to support an Elected Member with specific requirements to ensure the expedient performance or discharge of official functions and duties.

Insurance Cover

In accordance with section 80 of the *Local Government Act 1999*, Council provides a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying member of the council, against risks associated with the performance or discharge of official functions and duties by members.

SCHEDULE 4 – FACILITIES AND SUPPORT SPECIFIC TO THE MAYOR

Council has resolved, in accordance with section 78(b) of the *Local Government Act 1999*, that the provision of the facilities and support set out in this Schedule are necessary or expedient to the performance or discharge of official functions or duties by the Mayor.

The facilities and support set out in this Schedule are made available to the Mayor in addition to the facilities and support provided to all Elected Members and set out in Schedule 3.

The Mayor must not use a facility or service provided by Council within this Schedule for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the Mayor has agreed to reimburse the council for any additional costs or expenses associated with this use) (s.78(3)).

The Mayor is not obligated to receive or use any of the facilities and support set out in this Schedule.

- Access to a dedicated office/meeting space including a desktop computer, telephone and speech to text software
- Access to an internet enabled iPad in addition to Communications equipment provided in Schedule 3
- Access to administrative support to assist with coordination and management of council related activities, and responding to correspondence
- A Council provided mobile phone, or reimbursement of mobile phone costs associated with the conduct of Council business up to \$60 per month
- A fully maintained Council-owned vehicle, of a similar type and standard to that supplied to the CEO. In accordance with section 78(3) of the *Local Government Act 1999* the use of the vehicle for a purpose unrelated to the performance or discharge of official functions and duties is authorised, subject to the reimbursement to the council for any additional costs or expenses associated with this use.
- Business Cards – up to 500 per annum in addition to the Stationery provided in Schedule 3.
- Attendance at:
 - Conferences, seminars, meetings or other engagements within the State;
 - South Australian Local Government Association meetings or events;
 - Australian Local Government Association meetings or events;
 - Intrastate or interstate meetings with representatives of Commonwealth, State and Local governments on Council related matters;without the need for specific Council approval, and with all costs associated with the attendance to be met by Council.
 - Conferences, seminars, meetings or engagements interstate or overseas may be approved by Council on a case by case basis, prior to the activity occurring.



ELECTED MEMBER EXPENSE REIMBURSEMENT CLAIM

(Relating to expenses claimed under S.76 & 77 of the Local Government Act 1999 and detailed in the Policy – Elected Member Allowances and Benefits)

This form must be completed by Elected Members when claiming for the reimbursement of expenses.

NAME:

REIMBURSEMENT OF TRAVEL EXPENSES

(a) **Personal Vehicle:**

Date	Details/Purpose	Km
	TOTAL KILOMETRES CLAIMED:	
Office Use Only:	 Kilometres @ 68¢/km = \$

(b) **Taxi/Bus/Train/Carparking (receipts must be attached)**

Date	Details/Purpose	Amount

REIMBURSEMENT OF CHILD / DEPENDENT CARE EXPENSES

I wish to claim \$..... for the reimbursement of child/dependent care expenses required when I attended
Receipts must be attached.

REIMBURSEMENT OF TELEPHONE EXPENSES

I wish to claim \$..... for the reimbursement of Telephone expenses incurred for the period of
Receipts must be attached.

I certify that the above expenses claimed have been actually and necessarily incurred in the performance of my official duties as an Elected Member with the City of Unley.

Signature of Claimant: Date:

Checked by Governance: Date:



EXTRACT FROM ELECTED MEMBER ALLOWANCES AND BENEFITS POLICY

1. In accordance with the requirements of section 77 of the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010* the kinds of expenses for which an Elected Members will be reimbursed are as follows:
 - a) Travelling expenses actually and necessarily incurred by the member 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;
 - b) Expenses for the care of –
 - (i) A child of the member; or
 - (ii) A dependant of the member requiring full time care actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.

In relation to reimbursement of travelling expenses:

- a) 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 direction) the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council (unless the travel relates to an activity specified in clause 4 below.
 - b) The rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculated deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1936* of the Commonwealth (refer LGA Circular 40.4 03/10/2018).
 - c) Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred", but is limited to 'eligible journeys' as defined in this Policy.
2. In relation to reimbursement of care expenses:
 - a) Claims for child care/dependant expenses may include:
 - (i) hourly fees (or part thereof) subject to any minimum period which is part of the provider's usual terms;
 - (ii) agency booking fees;
 - (iii) reasonable travelling expenses of the carer to and from the Member's residence, or of the Member's child/dependant(s) to and from the place of care.
 - b) Expenses are not payable if care is provided by a relative of the Member who ordinarily resides with the Member.
 3. Telephone Expenses
 - a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;
 4. Council has also determined that reimbursement will be available for travel to and from the following meetings (both within and outside the Council are) and care costs associated with attendance at the following meetings (subject to the limitations set out in clause 2 above):
 - Regional Subsidiary meetings when a member is appointed by Council
 - External Committees where an Elected Member is appointed by Council
 - Activities where an Elected Member is representing the Mayor on behalf of Council
 - Conferences and Training