

Council Member Allowances and Benefits Policy

Reference Number:	CR22/5451
Type:	Council Policy
Responsibility:	Director Corporate Services
Responsible Officer (s):	Team Leader Governance & Risk
Last Review Date:	January 2023
Next Review Date:	Next periodic election
Legislation:	<i>Local Government Act 1999 Sections 76, 77, 78, 79 Local Government (Members Allowances and Benefits) Regulations 2010</i>
Related Documents:	Register of Allowances and Benefits Code of Conduct for Council Members

Purpose

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*.

Introduction

City of Prospect 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 59 of the LG Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is to:

- (i) participate in the deliberations and civic activities of the Council;
- (ii) keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
- (iii) 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.

Scope

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); and
3. 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:

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

Policy

This Policy is underpinned by the following principles:

- Council Members should not be 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.
- 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 education and development for Council Members. This is seen as being necessary 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.

Allowances

Council Member allowances are determined by the Remuneration Tribunal 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 to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI").

In accordance with regulation 4 of the Regulations, (and for the purposes of section 76 of the LG 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.

Council Members (other than the Mayor), will be paid the annual allowance quarterly in advance.

The Mayor will be paid the annual allowance monthly in advance.

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. City of Prospect is a Group 2 Council. The annual allowance for:

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

An allowance under this section is to be paid in accordance with any requirement set out in the Regulations (unless the member declines to accept payment of an allowance section 76(12) of the *LG Act*).

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:

- 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 (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 Commonwealth.
- 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.
- 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.

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/dependent care) each Council Member is required to complete a Form and submit it to Manager Governance & Administration. For the purposes of administrative efficiency Council Members are requested to submit these forms on a quarterly basis.

Prescribed and Approved Reimbursements (Section 77(1)(b))

There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that 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.

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 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

- 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.

Travel

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

- 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/Information Session agenda items; meetings of community groups and organisations as a Council appointed representative – but not to attend meetings of community groups or organisations when fulfilling the role of a local representative, and not as a member of the Board of any such community group or organisation.
- Reimbursement is restricted to the shortest or most practicable route.
- 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 Commonwealth.
- 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 (pre-approved) 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.
- All claims are to be supported by the relevant receipts or other evidence of expenditure.

Care and Other Expenses

Pursuant to section 77(1)(b) of the LG Act the 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 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 or under delegation/policy, e.g. under Council's "Council Member Training and Development Policy".
 - Expenses will only be reimbursed for attendance at conferences, seminars, etc. which have been approved by Council or subject to the [Council Member Conferences, Education and Development Policy](#).
- 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.
- Supporting receipts must be provided in order to validate the claimed reimbursement (excluding the daily incidental allowance for which no acquittal is required).

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).

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.

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:

- Business cards (upon request);
- Use of Council Chambers and Other meeting facilities;
- Tablet and associated costs, including incidental personal use and a data plan not exceeding \$45 per month. Any charges incurred over this amount to be recovered from the Council Member;
- General Administrative 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:

- 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.

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:

- Access to Office facilities as required;
- Support of Executive Assistant;
- Internet service at place of residence – not exceeding \$100 per month. Any charges incurred over this amount to be recovered from the Principal Member;

If a higher service level is required by the Principal Member, the Principal Member may request an upgrade of the service and Council will invoice the Principal Member the difference between the Council Plan and the upgraded service.

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:

- 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.

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 LG Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the LG Act.

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.

Claims for Reimbursement

Council Members are required to provide details of kilometres travelled and/or evidence of expenses incurred for reimbursements claimed.

Claims for reimbursement must be submitted to the Chief Executive Officer (or Manager Governance & Administration) on the form/s provided for this purpose on a quarterly basis for the purposes of maintaining the Register of Allowances and Benefits.

Reimbursement of expenses will only be paid to a Council Member upon presentation of the form/s and adequate evidence supporting the claims made.

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—

- (a) the annual allowance payable to a Council Member (in the case of section 79(1)(a)); and
- (b) any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b)); and
- (c) other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- (d) 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 LG 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 Manager Governance & Administration 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 the Council's principal office during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

Review

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).

Access to the Policy

The Policy will be available for inspection at Council's principal office during business hours and on the Council's website www.prospect.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's schedule of fees and charges.

Further Information

Director Corporate Services
City of Prospect
128 Prospect Road
Prospect SA 5082
t. 8269 5355
e. admin@prospect.sa.gov.au

Addendum (Recognition of Service) – Council Resolution 2021/172

24 August 2021

Council is able to recognise service of Elected Members in a variety of ways.

The Council as a whole is committed to recognising the valuable contributions which Elected Members make to our community over the course of them being in office.

The Local Government Association (LGA) currently recognises Council Members service to the community for 10, 15, 20, 25, 30, 35, 40, 45 or 50 years or more years of service.

For 10 or 15 years of service a certificate is issued; for service above this a certificate and official badge is issued at a formal LGA dinner event.

The formal recognition of service from the LGA is initiated by Council through the Office of the CEO.

In addition to the recognition acknowledged by the LGA, City of Prospect will recognise, at a suitable existing civic reception, individual long serving Council members on the following occasions:

1. After 10, 15, 20 years of accumulated service.

Council members will be presented with a framed certificate of service presented by the Mayor or in their absence the Deputy Mayor.

2. After 25 years of accumulated service

Council members will be presented with a framed certificate of service and an engraved glass plaque / similar memento (e.g. paperweight or box) presented by the Mayor or in their absence the Deputy Mayor.

The cost of the plaque / memento is not to exceed \$150 plus GST, unless authorised by exception by the CEO and/or Mayor / Deputy Mayor and will be reported on a suitable public register.

Should the Mayor be the recipient the CEO will present the award.

3. Each five year anniversary of service thereafter.

Council members will be presented with a framed certificate of service presented by the Mayor or in their absence the Deputy Mayor.

Preference when procuring the plaque / memento must in the first instance be given to local suppliers / indigenous artists etc. The certificates and items will be arranged through the Office of the CEO.

The plaque / memento will be identified with the words: [Councillors Name] "In grateful recognition of xx years of commitment and service to the City of Prospect" [Date]

In addition, all retiring Council members will be invited to attend the Mayor's Christmas Dinner following the conclusion of their term of service. During the dinner the Mayor will acknowledge the retiring members' service and present individual members with a City of Prospect framed certificate.

Certificates will have the words: Presented to [Councillors Name] on [Date} "In grateful recognition of xx years' commitment and service as a Council member of the City of Prospect. Presented by His / Her Worship the Mayor [Mayor's Name].

Bereavement

In recognition of current and past Council Members who have passed away the Mayor and CEO have the authority to:

- Send a condolence card to the immediate family signed by the Mayor and CEO on behalf of Council and staff;
- Publish a condolence notice in the state-based newspaper;
- Send a floral tribute to the value of \$70 inclusive of GST or a donation to a charity if this has been nominated by the immediate family.

Naming of Streets, Reserves and other Council buildings / property / facilities

This will be at the absolute discretion and resolution of full Council and undertaken in accordance with any State Government or other legislative requirements and processes.

This provision will be only be considered in unique and exemplary cases of significant community stewardship when a Member has retired from council (not while they are current serving members) or upon the death of a Member having given exemplary service and devotion to the City as assessed by full Council. Guidance will be given from the Office of the CEO upon request.

This is an honour that is bestowed upon an individual who has served the City of Prospect, its community and beyond with outstanding and dedicated service over many years and often beyond and above the normal call of duty. This eminent service is of such a special quality and rendered to the community by a person of distinction over a period of years, that it may warrant consideration of this honour by the Council.