



## Council Members' Allowance & Support Policy

<b>Reference Number:</b>	1.2
<b>Type:</b>	Council
<b>Category:</b>	Council Members
<b>Relevant Community Plan Outcome:</b>	<ul style="list-style-type: none"> <li>• Be bold and innovative in our practices, leadership and decision making.</li> <li>• Practise transparent and accountable governance.</li> </ul>
<b>Responsible Officer(s):</b>	Manager Governance & Operational Support
<b>First Issued/Approved:</b>	May 2000
<b>Minutes Reference:</b>	CL 11/06/2019, Item 6.76
<b>Last Reviewed:</b>	June 2019
<b>Next Review Due:</b>	June 2021
<b>Applicable Legislation:</b>	Local Government Act 1999 Local Government (Members' Allowances & Benefits) Regulations 2010
<b>Related Policies:</b>	Electronic Communications Policy Council Members' Training & Development Policy Recognition of Service Policy Council Members, Freeman, Freedom and Keys to the City
<b>Related Procedures:</b>	Elected Members Technology – Conditions of Use

### 1. Purpose

This policy has been developed and adopted primarily to accommodate Section 77(1)(b) of the Local Government Act 1999 ("the Act"), by specifying the types of expenses that will be reimbursed and/or covered without the need for specific approval of Council each and every time a claim and/or allowance is made. It outlines the process and procedure for individual Council Members to obtain reimbursement of those expenses. In addition, this policy also covers the payment of an annual allowance to Council Members, the provision of facilities and support and the basis on which these are made available to Council Members.

### 2. Scope

This policy applies to the Allowances and Support to the Council Members of the City of Charles Sturt.

### 3. Policy Statement

The City of Charles Sturt will ensure that the payment of Council Member allowances, the reimbursement of expenses, and the provision of facilities and support is accountable and transparent, and in accordance with Chapter 5, Part 5 of the Act and the Local Government (Members Allowances and Benefits) Regulations 2010 (“the Regulations”).

Council Members are paid an allowance for performing and discharging the functions and duties of their office as a member of the elected body of the Council. Section 59 of the Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is:

- (i) to participate in the deliberations and civic activities of the Council;
- (ii) to keep the Council’s objectives and policies under review to ensure that they are appropriate and effective; and
- (iii) to keep the Council’s resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

This policy summarises the provisions of the Act and Regulations in respect to Council Members allowances, the provision of facilities and support, the different types of expenses, the circumstances in which those expenses will be or can be reimbursed and what benefits Council Members receive that must be recorded for the purposes of maintaining the Register of Allowances and Benefits.

The Council Members’ annual allowances are determined by the Independent Remuneration Tribunal, pursuant to Section 76 of the Act to help cover the cost of performing and discharging their official functions and duties and are recorded in the Register of Allowances and Benefits. This policy, in its entirety, will automatically lapse at the next general election of the Council, and be replaced by a policy as endorsed at the first meeting following the election.

#### Principles

This policy is underpinned by the following principles:

- Council Members should not be significantly out-of-pocket as a result of performing and discharging their Council functions and duties.
- Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- Council Members are entitled to receive:
  - an annual allowance as provided in Section 76 of the Act and Regulation 4; and
  - reimbursement of prescribed travelling and child/dependant care expenses associated with attendance at Council/Committee meetings, pursuant to Section 77(1)(a) of the Act and Regulation 5.
- Council has also agreed to:
  - reimburse certain prescribed expenses pursuant to Section 77(1)(b) of the Act and Regulation 6; and
  - provide Council Members with facilities and support to assist them in performing and discharging their functions and duties pursuant to Section 78 of the Act.

## **Roles and Responsibilities**

This policy will apply to all Council Members who have an obligation to follow the process and procedures set by this policy.

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

- maintain the Register of Allowances and Benefits; and
- ensure copies of the policy are available for inspection and purchase by the public at the principal office of the Council.

In addition, the Chief Executive is responsible for:

- implementing and monitoring expense reimbursement procedures in accordance with the Act and this policy; and
- ensuring a copy of this policy is provided to all Council Members.

## **4. Entitled Allowances and Reimbursements**

### **Allowances**

Council Members are entitled to receive annual allowances, as determined by the Independent Remuneration Tribunal, pursuant to Section 76 of the Act to help cover the cost of performing and discharging their official functions and duties.

Details of annual allowances can be found in the Register of Allowances and Benefits available on the Council's website) <http://www.charlessturt.sa.gov.au/registers>.

These allowances are paid bi-monthly in advance, except for the first payment of a financial year, which shall not be paid prior to 1 July in that given year. No annual allowance payments shall cross any given financial year. Members will receive a financial summary statement at the conclusion of each financial year.

### **Mandatory Reimbursements – Section 77(1)(a) of the Act**

#### **Travel and Dependent Care**

In addition to the allowance paid under Section 76 of the Act, Council Members are entitled to receive reimbursement for travelling within the area of Council and child/dependant care expenses associated with attendance at a "prescribed meeting", in accordance with the requirements of Section 77(1)(a) of the 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 is restricted to "eligible journeys" (as defined in Regulation 3) by the shortest or most practicable route and to the part of the journey within the Council area.
- Where a Council Member travels by private motor vehicle, the rate of reimbursement is as prescribed under Section 28.25 of the Income Tax Assessment Act 1997. Travel 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.

- Where child/dependent care expenses are actually or necessarily incurred by the Council Member as a consequence of the Council Member's attendance at a prescribed meeting of the Council or Council Committee. Child/dependent care expenses are not reimbursed if the care is provided by a relative of the member who ordinarily resides with the member. A definition of "relative" is contained in Section 4 of the Act.

To receive reimbursement for these entitled expenses (travel and child/dependant care) each Council Member is required to complete the appropriate claim form and submit it to the Manager Governance & Operational Support. 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) of the Act**

Additional prescribed expenses incurred by Council Members that are capable of being reimbursed by the Council are expenses that do not fall into the type of prescribed reimbursement outlined above, yet are expenses incurred in performing or discharging official functions and duties.

Pursuant to Section 77(1)(b) of the Act, Council also approves the reimbursement of expenses and support to Council Members as described below:

#### **Travelling Expenses**

In addition to eligible journeys (as defined in Regulation 3), Council Members are entitled to receive reimbursement for expenses actually and necessarily incurred in travelling to official functions or activities on the business of Council. The following conditions apply to these expenses:

- Travel must be incurred by the Member as a consequence of attendance at official functions or activities on the business of Council, including Mayoral receptions, dinners, citizenship ceremonies, attendance at meetings of community groups and organisations as a Council appointed delegate (but not to attend meetings of community groups or organisations when fulfilling the role of local representative).
- Reimbursement is restricted to the shortest or most practicable route.
- Where a Council Member travels by private motor vehicle, the rate of reimbursement is as prescribed in Section 28.25 of the Income Tax Assessment Act 1997.
- Travel 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 the shortest or most practicable route.

#### **Other Expenses**

- Expenses incurred by a 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 member. Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council. Reasonable out of pocket expenses such as meals, taxi fares and car parking fees will be reimbursed.
- No reimbursement will be made without receipts and for the purpose of this clause, reasonable meal expenses will be in accordance with the Australian Taxation Office's Taxation Determination. Please use "control and right click" on the link below to go to the current meal reimbursement rates. If meals are provided by the organisers of an event or training course for which travel is required then Council Member's will be expected to avail themselves of those meals, however where this is not offered, Member's should apply Table 2 from the ATO guide irrespective of classification level.  
<https://www.ato.gov.au/law/view/document?docid=TXD/TD201719/NAT/ATO/00001>

- Costs for mini bar use and in-house movies will not be paid for by the Council and are therefore the responsibility of the Council Member.
- Subscription costs to relevant bodies for the Principal Member that are directly or closely related to the performance or discharge of the roles or duties of the Principal Member.

### **Facilities and Support**

Section 78 of the Act provides that the Council can provide facilities and forms of support for use by its Council Members to assist them to perform or discharge their official functions and duties.

The Council must consider and approve that the provision of facilities and level of support is 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 (if any).

Pursuant to Section 78 of the Act, Council has considered and is satisfied that the facilities and support described in this policy are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:

- Technology support as detailed in Table 1
- 4 boxes of business cards (250 cards per box) in the 12 month claim period
- Access (through a booking system) to tear drop banners advertising street corner meetings
- Access to the Council Members' Room and associated facilities in the Civic Centre, Woodville.
- Members Personal Accident Insurance Policy which:-
  - provides benefits if bodily injury is sustained while engaged in any activity directly or indirectly connected with or on behalf of Council.
  - professional/public indemnity insurance that indemnifies Members but only in connection with their role as Members of Council.
  - provides cover for damage to property and personal effects that occurs while Members are engaged in Council business.
  - provides corporate travel cover for Members and their partners/spouses while engaged in any activity directly or indirectly connected with or on behalf of Council, including while travelling to and/or from such activity.
- Meal and drinks will be provided where appropriate while attending after hours Council and Council Committee meetings, briefings and workshops.
- Limited access to the Lyle Gilligan Room at Woodville Oval on match days, including snacks and beverages.
- Access to a free annual Flu Vaccination at Council's Immunisation Clinic.
- During the Council Members term of appointment, access to a free Boostrix (diphtheria, tetanus & pertussis) and MMRV (measles, mumps, rubella & chickenpox) vaccine, where applicable, at Council's Immunisation Clinic.

The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the 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 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 cost or expenses associated with that usage. Where the Mayor uses the vehicle for private use, the cost of this private component will be reimbursed to Council.

In addition to the above, Council will make available to the Principal Member the following facilities and support to assist in the performing and discharging of his/her official functions and duties:

- A suitable motor vehicle (acceptance is at the discretion of the Mayor)
  - Access to the Mayor's Office at Council's Woodville Civic Centre, and
  - The support of an Executive Assistant as necessary.
- In addition, although not required by the Act, the Council has determined that the provision of these facilities and support are made available to Council Members (including the Principal Member) on the following basis:
    - 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, unless alternative options are presented within this Policy;
    - If the facilities provided to the Council Member are damaged or lost the Council Member must lodge a written report with the Manager Governance & Operational Support.

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.

### **Technology Support**

The provision of computer equipment is provided in recognition that Council Members conduct a substantial amount of their responsibilities via computer – either through email, the consideration of Council agendas and associated reports and minutes or in the conduct of research on policy matters requiring internet access.

**Table 1** outlines the technology provided to Council members over the 4 year term of Council.

**Table 1**

<b>Item</b>	<b>Reason</b>	<b>Capability</b>	<b>Comments</b>	<b>Value</b>
Provision of hybrid Laptop/tablet computer with accessories purchased by the City of Charles Sturt in accordance with the nominated capability with a 4Gig monthly data download limit	A substantial amount of Council Member responsibilities are conducted via computer.	The computer provided will be of a specification equivalent to the prevailing corporate standard at the time.  The equipment will be capable of supporting standard business functions including common format document access, printing, email and internet browsing.	The machine shall remain the property of the City of Charles Sturt for the four (4) year term, after which time Council Members have the option of purchasing the machine for \$100 GST inclusive.	The initial purchase price will typically be up to \$2,800 per term of Council.  Approximately \$50 per month data plan.
Provision of Multi-Function Device purchased by the City of Charles Sturt in accordance with the nominated capability.	Council Members must be able to print and scan, fax documents for Council records or for distribution to the community.	The MFD printer provided will be able to print, fax and scan.	The machine shall remain the property of the City of Charles Sturt for the four (4) year term, after which time Council Members have the option of purchasing the machine for \$50 GST inclusive.	The initial purchase price will typically be up to \$1,500 per term of Council.
Annual credit of \$1,200 to cover "click charges" for printing. Each page printed incurs a "click charge". The charge covers all consumables for the printer including paper, ink and printer maintenance.	Required to support printing.	Print limit to support what is projected use.	Click charges are 2.4 cents per black and white (B&W) print and 10 cents per colour print.	Maximum of \$1,200 per claim period (i.e. 50,000 B&W prints or 12,000 colour prints/annum).

<p>A monthly allowance of \$130 to cover telecommunication costs such as home internet charges, mobile data charges (excluding the 4Gig monthly data allowance for the hybrid computer/tablet), mobile phone call costs and home telephone costs.</p>	<p>To enable communications.</p>	<p>High speed internet access in a form most appropriate for the Council Member.</p>	<p>All services to be managed by the Council Member.</p> <p>Allowance is to cover communication costs only and must be specific to Council purposes.</p> <p>Council Members are to only use the funds to cover costs that as specifically attributable to council business and not where the service is bundled with other services such as home entertainment bundles.</p>	<p>\$130 per calendar month</p>
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### **Council Member Meals**

Council Members and employees are to be provided with a meal and drinks when attending after hours Council and Committee Meetings, briefings and workshops or any other meeting that the Mayor or CEO considers it appropriate and necessary.

Light supper, beer, wine and softdrink will be provided to the Elected Members after each Council Meeting.

### **Council Member Refreshments**

Council Members are to have access to refreshments as follows:

Council Chambers – tea and coffee facilities, water and mints.

Council Members' Rooms – tea and coffee facilities and water.

Woodville Oval's Lyle Gilligan Room – light supper, beer, wine and soft drink.

### **Training and Development**

Allowances and benefits specifically gained from training and development are set out in the Council Members' Training & Development Policy

### **Service and Recognition**

The Recognition of Service Policy Council Members, Freeman, Freedom and Keys to the City outline allowances and benefits awarded to a Council Member for their service to the community.

## **5. Expenses and Support Requiring Council Approval**

Any expenses, additional reimbursements and facilities and support not detailed in this policy will require the specific approval of Council prior to any expense being incurred, additional reimbursements being paid, benefits being received and facilities and/or support being provided.

## **6. Claims for Reimbursement**

All claims for reimbursement must be submitted to the Manager Governance & Operational Support on the Expense Claim Form (available on the Elected Member's Extranet), accompanied by suitable complying tax invoices acceptable to the Australian Tax Office and Council's auditors clearly showing all the expenses incurred. All claims for reimbursement must be submitted within 12 months of incurring the expense, preferably on a quarterly basis. For the purposes of this policy the 12 month claim period will be November to November.

## **7. Exceeding of Policy Allocations**

Any additional charges that exceed the nominated values in relation to data plans and printing amounts will be invoiced to the Council Members at the same rate as the costs incurred to Council or as defined in this policy, whatever is the greater.

## **8. Register of Allowances and Benefits**

Pursuant to Section 79 of the Act, the Chief Executive Officer will maintain a Register in which he or she shall keep record of:

- The annual allowance paid or payable to each Council member under Section 76 of the Act; and
- Any expenses reimbursed to a Council member under Section 77(1)(b) of the Act; and
- The details of any other benefits paid or payable to or provided for the benefit of a Council member by the Council under Section 79(1)(c) of the Act; or.
- To make a record of the provision of a reimbursement or benefit not previously recorded in the Register in accordance with Section 79(2)(b) of the Act.

Those entitled reimbursements paid under Section 77(1)(a) of the Act are not required to be recorded in the Register.

The Chief Executive Officer will update the Register each quarter. Each Council member is therefore required to provide his or her claim form/s for reimbursement to Manager Governance & Operational Support prior to 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 office during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

## 9. Review and Evaluation

Council member allowances are reviewed in accordance with Section 76(9) of the Local Government Act and any changes noted in the Register.

This entire policy will lapse at the next General Election.

This policy will be available for inspection at Council's principal office during ordinary business hours. It is also available on Council's website at [www.charlessturt.sa.gov.au](http://www.charlessturt.sa.gov.au).

Any queries or questions regarding this policy should be directed to the Manager Governance & Operational Support.

## 10. Definitions

List all the key terms and acronyms that are used in the policy, and their definition.

<b>Key Term – Acronym</b>	<b>Definition</b>
Claim period	The 12 month period from November XX to November YY.
Principal Member	A principal member under section 51 of the Local Government Act 1999.
Eligible Journey	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.