

TITLE: COUNCIL MEMBERS ALLOWANCES AND BENEFITS POLICY

1. INTRODUCTION

- 1.1 The Mount Barker District 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”).
- 1.2 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.
- 1.3 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.

1.4 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.

1.5 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.

2. PURPOSE

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

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

4. **POLICY PRINCIPLES – OUR COMMITMENT**

This Policy is underpinned by the following principles:

- 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.
- 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).
- 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.

5. **DEFINITIONS**

Allowances shall mean the entitlements determined by the Remuneration Tribunal paid to Council Members in recognition of the Members service to the community.

Committee (from the Determination of the Remuneration Tribunal) means a Committee established by a Council in terms of Section 41 of the Act

Eligible journey (Regulation 3) 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.

Function or activity on the business of the Council – 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. This includes official Council functions including Mayoral/Chairperson receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc; inspection of sites within the Council area which relate to Council or Committee agenda items; meetings of community groups and organisations as a Council representative – but not to attend meetings of community groups or organisations when fulfilling the role as a member of the Board or any such community group or organisation

Prescribed Meeting (Regulation 3) 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 Committee (from the Determination of the Remuneration Tribunal) means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the

committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development

6. ROLES & RESPONSIBILITIES

Chief Executive Officer

- ensure a copy of this Policy is 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.
- ensuring a copy of this Policy is provided to all Council Members.

General Manager Corporate Services

- Implement and monitor expense reimbursement procedures in accordance with the Local Government Act 1999, Regulations and this Policy;
- Maintain the Register of Allowances and Benefits;
- 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"))

Civic Governance Officer

- Implement and monitor expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure.

7. ALLOWANCES

- 7.1 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*.
- 7.2 The relevant determination for the Council term commencing in November 2022 is [*Determination No. 2 of 2022 – Allowances for Members of Local Government Councils*](#).
- 7.3 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*.

7.4 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.

7.5 The Mount Barker District Council has been identified as falling with Group 2 in the current Remuneration Tribunal Determination, with an initial council member allowance as follows:

Councillors		\$19,110
Mayor	Four (4) times the annual allowance for Councillors	\$76,440
Deputy Mayor or a Councillor who is the Presiding Member of a prescribed committee	One and a quarter (1.25) the times the annual allowance for a Councillor of that Council	\$23,887.50

7.6 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).

7.7 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).

7.8 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.

7.9 Mount Barker District Council allowances will be paid 1 month in advance by electronic funds transfer to a nominated bank account.

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

8. LEAVE OF ABSENCE – COUNCIL MEMBER CONTESTING ELECTION

8.1 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.

- 8.2 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.
- 8.3 A maximum penalty of \$15,000 applies for a breach of this section of the Local Government Act.

9. MANDATORY REIMBURSEMENTS – TRAVEL (Section 77(1)(a))

- 9.1 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).
- 9.2 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:
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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

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.

journeys” by the shortest or most practicable route and to the part of the journey that is within the Council area.

- 9.7 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.

10. MANDATORY REIMBURSEMENTS – Child/Dependant Care (Section 77(1)(a))

- 10.1 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.
- 10.2 Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

11. ADDITIONAL EXPENSE REIMBURSEMENTS (Section 77(1)(b))

- 11.1 There may be additional expenses incurred by Council Members (not included in the mandatory reimbursements outlined above) that can be reimbursed by the Council. Section 77(1)(b) of the Local Government Act provides that the Council may approve the reimbursement of additional expenses incurred by Council Members, as provided for in the Allowances Regulations, either on a case-by-case basis or under a policy adopted by Council.
- 11.2 Regulation 6 sets out the additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council.
- 11.3 For the purposes of this Policy, and pursuant to section 77(1)(b) of the Local Government Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

11.3.1 Travel

Travel related to attendance at a Council or Council committee meeting being an “eligible journey” (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to a maximum of 50km each way. 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

11.3.2 Travel time payment for Members of Non-Metropolitan Councils

Pursuant to the Determination made by the Remuneration Tribunal, Council Members (excluding the Principal Member of non-metropolitan Councils) are eligible for a travel time payment where the Council Member’s usual place of residence is within the relevant Council area and is located:

- **At least 30kms but less than 50kms** from the Council's principal office, via the most direct route
- **At least 50kms but less than 75kms** from the Council's principal office, via the most direct route
- **At least 75kms but less than 100kms** from the Council's principal office, via the most direct route
- **More than 100kms** from the Council's principal office, via the most direct route

11.3.3 Expenses associated with attendance at training

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 Local Government Act).

Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council or under delegation/policy, eg under Council's 'Council Member Training and Development Policy'. Where attendance at the conference, seminar etc is approved, the following types of expenses can be reimbursed: economy air travel (within Australia), bus travel, registration fees, private room accommodation, meals (maximum for breakfast will be up to \$35pp, up to \$40pp for lunch, and up to \$65pp for dinner, all excluding alcohol), taxi fares, carparking.

No other expenses will be reimbursed.

An accompanying person will not be reimbursed.

The attendance must be accommodated within the budget.

Appropriate tax invoices and receipts will be required to be submitted for reimbursement.

11.3.4 Car parking

Car parking fees will be reimbursed where they are a consequence of a Council member attending a function or activity on the business of the Council. Receipts must be provided and the activity attended noted on the receipt.

11.3.5 Catering

For goods purchased to assist in meal preparation for Council / Committee meetings or entertaining.

11.3.6 Health

An influenza vaccination will be offered to Council Members on an annual basis.

12. SERVICE AWARDS

12.1 Service Awards for Council Members Who Have Served at Least One (1) Full Term

For Council Members who have served at least one (1) full term with Council:

- and who have resigned from Council or who have determined not to renominate, will be provided with a plaque (or similar) and certificate of service identifying their years of service, at their last Council meeting; or
- who were unsuccessful at the periodic election will be provided with a plaque (or similar) and certificate of service identifying their years of service, in person by the Mayor, or if it is the Mayor, by the CEO;

They will also be invited to attend a post-election dinner with their fellow former Council Members.

12.2 Service Awards for Council Members Who Have Served Three (3) or More Terms

For Council Members who have determined not to renominate, and who have served three (3) or more terms, (not necessarily consecutive), a plaque, a certificate of service, and a service award valued at \$500 chosen by the Mayor (and in their absence the Deputy Mayor) will be presented at their last Council meeting.

Members who have served three (3) or more terms (not necessarily consecutive) and were unsuccessful at the periodic election will be provided with a plaque, a certificate of service and a service award to the value of \$500 chosen by the Mayor (and in their absence the Deputy Mayor) and provided in person by the Mayor or if it is the Mayor, by the CEO.

They will also be invited to attend a post-election dinner with their fellow former Council Members.

13. FACILITIES AND SUPPORT

13.1 Provision of Facilities and Support

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 their 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, although not required by the Local Government Act, the Council has determined that the provision of the 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 Local Government Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) and 91A(2b) of the Local Government Act.

- During a leave of absence or formal suspension, the provision of facilities, support and/or services to a Council Member (including the Principal Member) will be placed on hold until the day the Council Member resumes duties.

13.2 Facilities and Support for Council Members

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.

All Council Members will be provided with:

- Business cards;
- Name Badge and A-frame nameplate for meetings;
- A Council email address;
- Training and Professional Development Activity allocation for approved individual attendance at conferences and courses (as outlined in *Council Members' Training and Professional Development Policy*);
- Access to Employee Assistance Program during their term of office and for 12 months following;
- Access to Council Member website for the provision of relevant council information;

- Access card to areas of Council's administration buildings as approved by the CEO (or delegate);
- Personal Accident Insurance for every Member of the Council and a spouse, domestic partner or another person who may be accompanying a Member of Council, against risks associated with the performance or discharge of official functions or duties by Members (pursuant Section 80 of the Act);
- A light meal prior to a Council meeting;
- A light meal at particular Prescribed Meetings when anticipated to be five (5) hours or more in duration;
- Welcome function for the new Council;
- An annual function for both Council Members and partners with a meal and welcome drink provided;
- Invitation to attend the all Council staff Christmas breakfast function;
- A laptop (or similar device) with standard software, applications and internet via an internet connection or similar} with stylus, mouse, headphones (on request) and protective cover;
- Maintenance and repair of Council supplied hardware;
- Training for the use of the laptop (or similar device) and software; and
- Help Desk support for Council supplied IT equipment.

13.3 Necessary Facilities and Support for Principal Member

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 fully maintained vehicle;
- Mobile Phone;
- Printer and consumables;
- Office accommodation within the Local Government Centre;
- Mayor's Chain for official civic and ceremonial occasions;
- Administrative support, at the discretion of the Chief Executive Officer.

The Necessary Facilities and Support for the Principal Member will only be available to the Mayor whilst they are undertaking their official duties and functions as Mayor. In the event of a Leave of Absence or in circumstances that the Mayor is absent or not undertaking official functions and duties in the office of the Mayor, the Mayor must ensure that the Facilities and Support will be provided to the person occupying the office of the Mayor.

14. CLAIMING REIMBURSEMENTS

The detailed process for seeking claims for reimbursement is provided for in the "Council Members' Expenses Reimbursement Procedure".

To receive reimbursement for travel expenses or child/dependent care complete the Reimbursement of Expenses Form. Members are requested to submit these claims on a monthly basis and prior to the end of the financial year or prior to the end of the Council term.

Where there is a dispute, with regards to the reimbursement, the matter shall be settled by the Chief Executive Officer (or his delegate). Should the dispute still remain then the matter shall be referred to Council for determination.

15. REGISTER OF ALLOWANCES AND BENEFITS

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—

- 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 Local Government 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 Allowances Regulations).

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

16. TRAINING / EDUCATION

The provision of this Policy will be included in induction training of the new Council.

17. REVIEW

This Policy will be reviewed:

- following the next general election; or
- earlier in the event of changes to legislation or related Policies and Procedures or;
- if deemed necessary by the Civic Governance Officer.

The Policy will automatically lapse at the next general election of the Council.

18. ACCESS TO THE POLICY

The Policy is available for inspection on the Council's website www.mountbarker.sa.gov.au or purchase at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia.

19. FURTHER INFORMATION

For further information on this Policy, please contact:

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APPLICABLE LEGISLATION AND RELATED DOCUMENTS:	<p>Local Government Act 1999 Local Government (Members Allowances and Benefits) 2010 Determination of the Remuneration Tribunal Allowances of Local Government Councils No. 2 of 2022</p> <p>Related document: Council Members Allowances and Benefits Procedure Council Members Reimbursement Procedure Council Member Training and Development Policy</p>		
COMMUNITY PLAN 2020-2035 REFERENCE:	<p>Leadership and Good Governance LGG Strategy 1.5 Demonstrate accountability through clear, relevant and easily accessible policies, corporate reporting and legislative compliance.</p>		
REVIEW CYCLE	<p>Review within 12 months of the new Council term</p> <p>It is recognised that from time to time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a State or Federal Department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council (if statutory) or the Chief Executive Officer (if administrative).</p>		
NEXT REVIEW DATE	7 December 2026		
DOCUMENT HISTORY:			
DOCUMENT VERSION	DATE	AUTHOR (PERSON TO WHOM CHANGES ARE TO BE RECOMMENDED)	NATURE OF CHANGE
VERSION 1.0	8 November 2022	Ros McDougall	
VERSION 2.0	4 March 2024	Rebecca Jeisman	Provide clarity on the support given.
DOCUMENT LOCATION:	<p>Council website 5 March 2024</p> <p>A copy can be provided on request, on payment of a fixed fee.</p> <p>Available for inspection, downloading or printing from our website www.mountbarker.sa.gov.au</p>		