

Policy Name:	Council Members' Allowances and Benefits
Classification:	Public – Statutory Policy
Adopted:	29 November 2022
Frequency of Review:	Immediately following a general election of Council
Last Review:	November 2022
Next Review Due:	November 2026
Responsible Officer(s):	Chief Executive Officer Team Leader Governance & Records
Policy Manual File Ref:	CC10/2601
Council File Reference:	CR22/77027
Legislation Authority:	Local Government Act 1999 (the Act)
Related Policies:	Training and Development for Council Members Policy Information Technology Support for Council Members Policy
Related Procedures:	N/A

1. BACKGROUND

The Town of Gawler will ensure that the payment of Council Members' allowances, the reimbursement of expenses, and the provision of facilities and support is accountable and transparent, and in accordance with the *Local Government Act 1999* ("the Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").

This policy sets out the provisions of the 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 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.

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 Act.

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

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

2. POLICY OBJECTIVE

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*.

3. SCOPE & RESPONSIBILITIES

- 3.1 This Policy applies to all Council Members, who each have an obligation to abide by this Policy.
- 3.2 The Council's Chief Executive Officer has the duty to:
 - (a) maintain the Register of Allowances and Benefits;
 - (b) adjust allowances paid to Council Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI")); and
 - (c) ensure copies of this Policy are published on a website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.
- 3.3 The Chief Executive Officer is responsible for:
 - 3.2.1 implementing and monitoring expense reimbursement procedures in accordance with the Act, the Regulations, this Policy and any associated procedure; and
 - 3.2.2 ensuring a copy of this Policy is provided to all Council Members.

4. POLICY STATEMENT

This Policy is underpinned by the following principles:

- 4.1 Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- 4.2 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 Act.
- 4.3 The accountability of the Council to its community for the use of public monies.

5. ALLOWANCES

- 5.1 Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.
- 5.2 An allowance determined by the Remuneration Tribunal will take effect from the first ordinary meeting of the Council held after 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") under a scheme prescribed by the Regulations.
- 5.3 The allowance determined by the Remuneration Tribunal will be payable for the period:

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- commencing on the conclusion of the 2022 periodic election; and
 - concluding at the time the last result of the 2026 periodic election is certified by the Electoral Commissioner under the *Local Government (Elections) Act 1999*.
- 5.4 The annual allowance for 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.
- The Town of Gawler has been identified as falling within Group 2; in the current Remuneration Tribunal Determination, with an initial council member annual allowance of Group 2 \$19,110.
- 5.5 The annual allowance for
- 5.4.1 principal members, is equal to four times the annual allowances for Council Members of that council;
 - 5.4.2 deputy mayor or deputy chairperson is equal to one and a quarter (1.25) times the annual allowances for Council Members of that Council
- 5.7 In accordance with regulation 4 of the Regulations, (and for the purposes of section 76 of the Act), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.
- 5.7.1 Town of Gawler will pay in instalments of 1 month in advance by electronic funds transfer to a nominated bank account.
- 5.8 A statement of earnings will be provided to Council Members at the conclusion of each financial year.

6. LEAVE OF ABSENCE – COUNCIL MEMBER CONTESTING ELECTION

- 6.1 If a Council Member stands as a candidate for election as a member of State Parliament, section 55A of the Local Government Act automatically grants a leave of absence from the date on which nominations for the relevant election close until the result of the election is publicly declared.
- 6.2 During the leave of absence period the Council Member:
- (i) is not entitled to receive any Council Member allowance or reimbursement of expenses; and
 - (ii) must not use any facility, service or other form of support provided by the Council; and
 - (iii) must not carry out any function or duty as a Council Member.
- 6.3 A maximum penalty of \$15,000 applies for a breach of this section of the Local Government Act.

7. REIMBURSEMENT OF EXPENSE - MANDATORY REQUIREMENTS – TRAVEL (SECTION 77(1)(a))

- 7.1 Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the Act).

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- 7.2 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:
- 7.3 Reimbursement for travel expenses is restricted to ‘eligible journeys’ provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area
- 7.4 An ‘eligible’ journey as defined under the regulations 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.
- 7.5 where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.
- 7.6 travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’, but is still limited to ‘eligible journeys’ by the shortest or most practicable route and to the part of the journey that is within the Council area.
- 7.7 the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

8. MANDATORY REIMBURSEMENTS – CHILD/DEPENDENT CARE (SECTION 77(1)(a))

- 8.1 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.
- 8.2. Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.
- 8.3 To receive reimbursement for such prescribed expenses (travel and child/dependent care) each Council Member is required to complete a Form 1 and submit it to the Chief Executive Officer or Executive Assistant. For the purposes of administrative efficiency Council Members are requested to submit these forms at least monthly.

9. PRESCRIBED AND APPROVED REIMBURSEMENTS (SECTION 77(1)(b))

- 9.1 There may be additional expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.
- 9.2 Section 77(1)(b) of the 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.
- 9.3 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.

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- 9.4 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:
- 9.4.1 an expense incurred in the use of a telephone, or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
 - 9.4.2 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 Act);
 - 9.4.3 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;
 - 9.4.4 expenses for the care of:
 - i. a child of the Member; or
 - ii. a dependent of the Member requiring full-time careincurred 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); and
 - 9.4.5 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 Act).
- 9.5 For the purposes of this Policy, and pursuant to section 77(1)(b) of the Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

9.5.1 Travel

Pursuant to section 77(1)(b) of the Act the Council approves reimbursement of Council Member expenses incurred in travelling to a function or activity on Council business. The following conditions apply to these expenses:

- 9.5.1.1 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 of the business of the Council' includes but is not limited to the ordinary conduct of Council business for example official Council functions including Mayoral/Chairperson receptions, opening ceremonies, dinners, citizenship ceremonies, official visits, meetings of ALGA/LGA and their Committees; 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 of any such community group or organisation.
- 9.5.1.2 reimbursement is restricted to the shortest or most practicable route. Where any other route is taken, reimbursement will be calculated as though the shortest or most practicable route (as determined by the Chief Executive Officer) had been taken

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9.5.1.3 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.

9.5.1.4 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).

9.5.1.5 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 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 and production of the relevant receipts or other evidence of expenditure is required and subject to budget provisions.

9.5.2 Care and Other Expenses

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

9.5.2.1 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 Act).

9.5.2.2 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 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". Where attendance at the conference, seminar etc is approved the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals up to a daily maximum of \$60.00.

9.5.2.3 Any overnight accommodation must be agreed by the relevant Council Member and the Chief Executive Officer prior to it being booked. Accommodation must not exceed a standard considered by the relevant Council Member and the Chief Executive Officer to be reasonable and not unnecessarily expensive to the Council. Production of the relevant receipts or other evidence of expenditure is required and reimbursement is subject to budget provisions.

NOTE: Supporting receipts must be provided in order to validate claimed reimbursement, and reimbursement will be subject to budget provision.

10. FACILITIES AND SUPPORT

10.1 In addition to allowances and the reimbursement of expenses, 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 (section 78).

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- 10.2 The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties. In approving the provision of facilities and support section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).
- 10.3 Pursuant to section 78 of the 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:
 - 10.3.1 Personal Computer and Tablet for use at meetings and for document sharing from the Council including agendas, minutes and workshop papers
 - 10.3.2 Printer
 - 10.3.3 Official Council email address
 - 10.3.4 A Sim Card for internet usage on the Council provided device
 - 10.3.5 A4 Paper reems up to 5 per annum
- 10.4 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:
 - 10.4.1 they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties;
 - 10.4.2 the facilities remain the Council's property regardless of whether they are used off site or not; and
 - 10.4.3 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.
- 10.5 In addition to the above, Council has resolved to make available to the Principal Member (and to any acting Principal Member appointed during the Principal Member's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:
 - 10.5.1 Office space
 - 10.5.2 Secretarial support
 - 10.5.3 Mobile phone
 - 10.5.4 Use of a Council pool vehicle when such a vehicle is available
- 10.6 In addition, although not required by the Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:
 - 10.6.1 each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
 - 10.6.2 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;

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10.6.3 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 (whose name is detailed at the end of this Policy).

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

11. 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.

12. CLAIMS FOR REIMBURSEMENT

12.1 Council Members are required to complete a Council Member Expense Reimbursement Claim form for any requested reimbursement.

12.2 The Council's standard reimbursement form could include a section to be completed by the Council Members detailing their activities (including attendances at seminars and conferences) performed in that month or quarter. This will provide a means by which the Council administration can cross reference what has been reimbursed to each Council Member for the purpose of recording such information in the Register of Allowances and Benefits.

12.3 All claims for reimbursement must be submitted to the Chief Executive Officer (or other nominated and delegated officer) on the form/s provided for this purpose on a monthly/quarterly basis for the purposes of maintaining the Register of Allowances and Benefits.

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

13. OTHER BENEFITS RECEIVED

13.1 There is no express interpretation in the Act of the term "benefits" received or provided to Council Members. However, it is common for the Council to incur costs or pay for expenses (or provide a non-monetary benefit) for the "benefit" of Council Members in the course of, or related to the performance of the Council Member's role, functions or duties, as opposed to reimbursing them. Where the Council pays up-front for expenses that would otherwise be reimbursable, or provides Council Members with facilities or services that can be quantified for each Council Member, these are provided to Members for their "benefit". For example if a Council Member attends at the ALGA conference in Canberra in November of any year, and the Council meets all or any of the costs associated with that attendance upfront, that is a "benefit" provided to the Council Member. Another example of a "benefit" is where the Council provides, at its own cost, all Council Members with business cards for their use in performing their official functions and duties.

13.2 The cost of "benefits" needs to be quantified for each Council Member (to the extent they can be) on a quarterly basis and recorded in the Register of Allowances and Benefits pursuant to section 79(1) of the Act as a "benefit" provided to that Council Member.

14. REGISTER OF ALLOWANCES AND BENEFITS

- 14.1 Pursuant to section 79(1) and (2) of the Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of:
- 14.1.1 the annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
 - 14.1.2 any expenses reimbursed under section 77(1)(b) of the Act (in the case of section 79(1)(b)); and
 - 14.1.3 other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
 - 14.1.4 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.
- 14.2 Reimbursements paid under section 77(1)(a) of the Act are not required to be recorded in the Register
- 14.3 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 the Chief Executive Officer monthly.
- 14.4 The Register of Allowances and Benefits is to be made available on the Council's website.

15. REVIEW AND EVALUATION

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

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) Act).

17. FURTHER INFORMATION

Further information about this Policy can be obtained by:-

Telephone: 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

18. AVAILABILITY OF POLICY

The Policy is available to be downloaded, free of charge, from Council's website at www.gawler.sa.gov.au.

A printed copy may be purchased on request from the Council's Administration Centre.

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

TOWN OF GAWLER

COUNCIL MEMBER EXPENSE REIMBURSEMENT CLAIM

(Relating to expenses claimed under S.76 & 77 of the *Local Government Act 1999*, the *Local Government (Members Allowances and Benefits) Regulations 2010* and detailed in the Council Members' Allowances and Benefits Policy)

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

Name:	
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TRAVEL EXPENSES AND TRAVEL TIME PAYMENT (if applicable)

Personal Vehicle

Date	Council function or business purpose for travel*	Km
	TOTAL KILOMETRES CLAIMED:	

Office Use Only: _____ Kilometres @ _____ ¢/km = \$ _____

Motor Vehicle Details (where applicable):

Model and make	
Engine size	

Bus and/or Taxi Costs (where applicable):

Date	Council function or business purpose for travel	Cost
	TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

***NOTE:** Travel claims must relate to expenses actually and necessarily incurred by the Member in travelling to or from a prescribed meeting provided the journey is an eligible journey and is by the shortest or most practicable route. For the purposes of this form the term "**eligible journey**" means a journey between the principal place of residence, or a place of work, of a Member of the Council, and the place of a prescribed meeting (in either direction), in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

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CARE EXPENSES

Date	Prescribed meeting attending requiring care**	Hrs care provided	Cost
	TOTAL REIMBURSEMENT CLAIMED:		

Please attach copies of all receipts

****NOTE:** A “**prescribed meeting**” means 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.

TELEPHONE/OTHER TELECOMMUNICATION EXPENSES

Claim period start	Claim period end	Details of expense being claimed	Cost
		TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

CONFERENCE/SEMINAR/TRAINING COURSE EXPENSES

Date	Conference/Seminar/Training Course details	Cost
	TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

Select preferred method of payment: Cheque ☐ Direct Debit ☐

If not provided previously or your details have changed, please complete your details below:

BSB:	
Bank and Branch:	
Account No:	
Account Name:	

Please remember to attach all paperwork supporting your claim otherwise payment will be delayed.

I confirm that the above claims for reimbursement are true and accurate, have been actually and necessarily incurred in the performance of my official duties as a Council Member with the Town of Gawler and are made in accordance with section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

Signature

Date

OFFICE USE ONLY

Received by: _____ Date: _____
Processed by: _____ Date: _____