

# Council Members' Allowances, Benefits, Support and Facilities Policy

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Review Frequency	Policy lapses at next general election
Status	Statutory
Last Reviewed	28 November 2022 – ACM221715 <i>Update – 15 December 2022 ACM221756</i>
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File Number	18.63.001 / PL2023150
Responsible Division	Office of the Chief Executive
Related Documents	Behavioural Management Framework Council's Caretaker Policy Council Members' Allowances and Benefits Register Council Member's Behavioural Framework Council Members Training and Development Policy Determination of the Remuneration Tribunal Allowances for Members of Local Government Councils IT Usage Guidelines
Applicable Legislation	<i>Local Government Act (SA) 1999</i> <i>Local Government (Members Allowances and Benefits) Regulations 2010</i> <i>Income Tax Assessment Act 1997</i>

## 1. Purpose

The purpose of this Policy is to clearly state the facilities, benefits and support that are available to Council Members to assist them in fulfilling their civic duties. The *Local Government Act 1999* requires Council to adopt a policy that allows for Council Members to receive adequate and reasonable reimbursement of expenses and provision of suitable facilities to enable them to carry out their civic duties as elected representatives of their local communities.

## 2. Introduction

- 2.1 Alexandrina Council is committed to creating a sustainable region for future generations. This Policy is governed by that principle and aims to encourage ethical, financially responsible and environmentally sustainable use of Council resources by members of the Council.
- 2.2 The community is entitled to know the extent of expenses claimed by Council Members, as well as the benefits and facilities provided in order to ensure there is responsible use of public resources.
- 2.3 Administration are empowered to question or refuse a request for payment from a Council Member if it does not accord with this Policy.
- 2.4 This Policy, in its entirety, will automatically lapse at the next general election (2026) of this Council

### 3. Scope and Responsibilities

- 3.1 This Policy applies to all Councill Members, who each have an obligation to abide by this Policy.
- 3.2 Any Council Member may decline to receive all or part of their allowance, or use of Council facilities or support.
- 3.3 The Council's Chief Executive Officer (CEO) has the duty to:
- maintain the Register of Allowances and Benefits
  - 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 under the scheme prescribed by the Regulations)
  - implement and monitor expense reimbursement procedures in accordance with the Act, the Regulations or this Policy.
  - ensuring a copy of this Policy is provided to all Council Members and available on Council's website.

#### 4.1 Definitions

In this Policy, unless the contrary intention appears, these words have the following meaning:

**Act** means *Local Government Act 1999*.

**Council** means Alexandrina Council.

**Benefit** means an advantage received.

**BYOD** means to Bring Your Own Device e.g. laptop, mobile phone.

**Conclusion of the Election** is defined in section 4(2) of the Act.

**Consumer Price Index** is defined by s76(15) of the Act as the Consumer Price Index, 'All Groups for Adelaide', published by the Australian Bureau of Statistics.

**Eligible Journey** means a journey (in either direction) between the principal place of residence, or a place of work, of a Member of the Council and the place of a prescribed or eligible meeting or official function. The journey must be undertaken by the shortest or most practical route.

**Eligible Meeting** means site inspections organised by a member of the community or a staff member, inspection of sites within the Council area which relate to upcoming Council and Committee agenda items and meetings of community groups, organisations to which Council has formally appointed the Council Member and official functions.

**Official Function** includes Mayoral receptions, citizenship ceremonies and civic or community events where formal invitations have been issued. This does not include general event notifications.

**Prescribed and Non-Prescribed Committees** are classifications applied by the Remuneration Tribunal of South Australia for the purpose of determining the allowance to be paid to the Presiding Member of a Council Committee

**Prescribed Meeting** means a meeting of the Council or Council committee, or an information session, 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 Council Member.

**Regulations** means a reference to the *Local Government (Members Allowances and Benefits) Regulations 2010*.

**Relative** is defined in section 4 of the Act as a:

- spouse or domestic partner;
- parent or remoter lineal ancestor (e.g. grandparents);
- son, daughter or remoter descendant;
- brother or sister;
- a stepfather, stepmother, stepson or stepdaughter; or
- any member of the person's family who resides in the member's household.

## 5. Policy Statement

### 5.1 Annual Allowances

- 5.1.1 Council Members are entitled to receive an annual allowance as determined by the Remuneration Tribunal of South Australia (Remuneration Tribunal) for performing and discharging their functions and duties on Council. Section 58 of the Act defines the role of the Principal Member and section 59 of Act defines the role of a Council Member.
- 5.1.2 Alexandrina Council is identified as falling within Group 2 in the current Remuneration Tribunal Determination, with an initial Council Member annual allowance of \$19,110.
- 5.1.3 The annual allowance for:
  - Principal Members, is equal to four times the annual allowances for Council Members;
  - Deputy Mayor 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 allowance for Council Members.
- 5.1.4 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 CPI under a scheme prescribed by the Regulations.

## 5.2 Mandatory Reimbursements

5.2.1 Section 77(1)(a) of the Act provides that all Council Members are entitled to receive reimbursement for expenses, actually and necessarily incurred, of the kind prescribed in performing or discharging official functions and duties. Such expenses include:

- Travelling expenses actually and necessarily incurred by a Council Member in travelling to and from a prescribed meeting if the journey is an eligible journey. The rate of reimbursement will be calculated in accordance with section 28.25 of the *Income Tax Assessment Act 1997*, using the current Australian Taxation Office Cents per Kilometre Calculator.
- Reimbursement for child/ dependent care expenses actually incurred by a Council Member as a consequence of the Council Member's attendance at a prescribed meeting. Child/ dependent care will not be reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

5.2.3 Section 77(1)(b) provides for Council to prescribe certain types of expenses that may be reimbursed to the Council Members at the discretion of Council (within the limitations of regulation 6 of the Regulations). Council has formed the view that the various forms of reimbursements as set out in this Policy will be approved subject to the requirements of this Policy as follows:

## 5.3 Travel

5.3.1 All travel by Council members should be undertaken using the most direct route and the most practicable and economical mode of transport.

5.3.2 Council Members are encouraged to use Council vehicles for Council business and travel in groups where appropriate. A minimum of 48 hours' notice is required.

5.3.3 If this is not possible, the following travel expenses will be reimbursed in full:

- Travel expenses incurred outside the Council area by a Council Member attending an approved Council function or activity are to be reimbursed from the commencement of the journey.
- Travel expenses incurred by a Council Member in attending an eligible meeting or undertaking an eligible journey.

5.3.4 This reimbursement includes the use of a private vehicle, public transport fares (including taxis and ride share services) and parking fees.

5.3.5 Allowances for the use of private fully electric vehicles, will be reimbursed via any method identified in legislation. If there is no identified methodology the reimbursement will be calculated as follows:

- Identify the average electricity consumption per km travelled according to vehicle manufacturer specifications.
- Identify the Default Market Offer price for electricity set by the Australian Energy Regulator for the distribution zone where the Councillor resides.
- Identify the kilometres travelled in the claimable journey.
- Reimbursement calculated as -  $A \times B \times C$  identified above plus a 10% loading for depreciation

5.3.6 Council Members seeking to be reimbursed for use of a private vehicle must include the date, distance, starting location and destination, and purpose of travel being claimed, along with any other information relevant with the claim such as engine size where applicable.

5.3.7 Council will not pay any traffic or parking fines.

#### **5.4 Accommodation**

5.4.1 In circumstances where it would introduce undue risk for a Council Member to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

5.4.2 Council Members may choose to take a relative with them when they travel to regional or interstate locations on Council business when it is appropriate to do so. The Council Member will be required to reimburse Council for any additional costs associated with the attendance of their relative including costs for travel, accommodation and meals that have been paid by Council.

5.4.3 Council Members will be responsible to pay at their own expense, costs associated with items from the bar fridge and any other additional room expenses (e.g. in-house movies, room service etc.).

#### **5.5 Accompanying Persons**

5.5.1 Council will meet the reasonable costs of the spouse/ partner of the Mayor (or their representative) for attendance at official Council functions that are of a formal and ceremonial nature. Examples could include, but not be limited to, Australia Day award ceremonies, and civic receptions.

- 5.5.2 Travel expenses, any additional accommodation expenses and the cost of the spouse, partner or accompanying person's additional expenditure will be the responsibility of individual Council Members.

## **5.6 Activities Which are not Permitted**

- 5.6.1 Reimbursement of costs associated with attendance of meetings not formally direct requested by community, groups or organisations when fulfilling the role of local representative. These expenses are considered to be within the allowance determined by the Remuneration Tribunal.
- 5.6.2 Reimbursement of costs associated with attendance by a Council Member at a political fundraising event.
- 5.6.3 The accumulation of frequent flyer points for personal use as a result of Council expenditure.

## **5.7 Claims for Reimbursement**

- 5.7.1 All claims for reimbursement must be submitted to the Chief Executive Officer within two (2) months of the expenditure occurring for inclusion on the Council Members Allowances and Benefits Register and within one (1) month of the end of a financial year.
- 5.7.2 Reimbursement of expenses will only be paid to a Council Member upon presentation of the correctly completed claim form.
- 5.7.3 Claims for travel for site inspections within the Council area which have been arranged by direct request of a resident will only be paid where evidence of the request is registered in Council's record management system prior to the request for reimbursement.
- 5.7.4 Claims for reimbursements, other than vehicle expenses, can only be made with the submission of a tax invoice/ tax receipt. An ABN number must be displayed on the tax invoice receipt to comply with Goods and Services Tax (GST) requirements and submitted on the relevant form (Appendix 1).
- 5.7.5 Claims for reimbursements will be paid within 14 days of the completed claim form being received by Administration.
- 5.7.6 Reimbursement of any expenses not covered by this Policy must be approved by resolution of the Council.

## **5.8 Council Members Contesting State Elections**

- 5.8.1 Section 55A of the Act suspends a Council Member from office when they stand as a candidate for election as a member of the Parliament of South Australia. The leave of absence commences at the date on which the nominations close until the result of the election is publicly declared and includes all positions which the Council Member holds in their capacity as a Council Member.



- 5.8.2 The Council Member must not carry out any function or duty of the office of a member of the Council.
- 5.8.3 During this leave of absence, the Council Member is not entitled to receive any allowance, receive any reimbursement of expenses and must not use any facility or other form of support provided to Council Members as part of this Policy.
- 5.8.4 Council Members who are on a leave of absence under section 55A of the Act are required to:
  - return all equipment supplied by the Council at the commencement of the leave of absence
  - not access any Council buildings, systems or other form of support during the period of leave of absence other than those services provided to members of the public.

## **5.9 Provision of Benefits, Facilities and Support**

### **5.9.1 General Principles**

- The provision of facilities and services will be available to all Council Members on a uniform basis (other than those additional facilities, support and services will be made available for the benefit of the Mayor in accordance with this Policy).
- In accordance with the provisions of the Council Member Behavioural Framework, a Council Member must not use any facilities and services for a purpose unrelated to the performance or discharge of official functions or duties unless they have obtained the prior approval of the Council. If Council approves the private use of its facilities and services, the Council Member will reimburse the Council for the costs or expenses that relate to that private use.
- All Council provided equipment must be returned to the Council at the end of each term in office, upon the office of a Member of Council becoming vacant, or earlier at the request of the Chief Executive Officer.
- If equipment provided to a Council Member is damaged or lost, the Council Member must lodge a written report with the detailing the circumstances of the damage or loss with the Chief Executive Officer within seven (7) days of the event.
- The use of Council facilities, equipment, support and/ or services by Council Members for campaign or election purposes is not permitted under any circumstances.
- Council reserves the right to review and, if appropriate, withdraw a Council Member's benefits access to facilities if they are being used inappropriately.

### 5.9.2 Necessary Facilities and Support

Council has determined that the provision of the following facilities and support are necessary and/ or expedient for all Council Members to assist them in performing and discharging their official functions and duties:

#### Information Technology (IT) Equipment

Council recognises that it is important that Council Members have reliable electronic access to the internet and email services in order to effectively assist in the performance or discharge of their official functions and duties.

Corporate IT equipment is offered to Council Members to assist them with their Council business. These resources are to be used for the purposes of undertaking their roles as Council Members.

This equipment is not intended for personal use. Any personal use of these IT resources will be recorded by the Council Member and reimbursement may be required, if so directed by the CEO.

Each Council Member will be provided an Alexandrina Council email account. This email account must be used for all Council related business. The email address, preferred postal address and contact number/s for each Council Member will be provided on Council's website.

A secure Council Members' Portal is provided for the purpose of a reference point and communication tool from management to Council Members for relevant information **not readily available** to the public to assist Council Members to perform their duties.

Council will supply each Council Member with corporate owned IT equipment or, a Council Member may nominate to use their own personal devices, known as BYOD (Bring Your Own Device). Council Members are also provided with the option to use a combination of corporate owned IT equipment and BYOD device(s).

If a Council Member elects to use a BYOD device they will be reimbursed at a flat rate of \$30 per month, which will be paid quarterly, in advance.

Council Members are to provide their Council supplied to the Information Services Department within seven (7) days of request for maintenance and updates.

**Note:** Repair and maintenance is not provided for BYOD.

Council will also supply Council Members with Council relevant authorised software; training and other general support; repair and maintenance for Council supplied hardware.

**Note:** All Council Members must agree to and sign the Information Technology (IT) Usage Guidelines Agreement Form/s.



### Training and Development

Council provides and encourages continued professional training and development for Council Members. This is seen as being necessary in terms of good governance and improved performance of their functions and duties. Where attendance at a conference, seminar etc. is approved, the following types of out-of-pocket expenses will be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, ride sharing services and car parking or other reasonable costs. in accordance with the Council Members Training and Development Policy for further information.

### Council Meeting Room Use

A number of conference and meeting rooms within the Council offices are available for use by Council Members for meetings, interviews and other functions.

The Council Members Room is available for the use of Council Members, their guests and visitors.

Council Members are able to book rooms for community group meetings in 'staffed' buildings e.g. libraries, Council offices.

Rooms booked by Council Members for community groups will incur fees and charges in accordance with Council's Fees and Charges Schedule.

### Council Member Meals

Council Members attending meetings will be provided with a meal following Council and Committee meetings and Council Member Briefings or any other meeting that the Mayor or CEO considers appropriate and necessary.

As a general guide the following will apply:

- A light meal will be provided for meetings which are anticipated to be of three (3) hours or more in duration.
- Refreshments and beverages will be provided for all meetings anticipated to be under three (3) hours in duration.

Council will not fund meals and/ or beverages for Council Members at a public establishment unless as part of an approved training activity where meals are not provided.

Council will not fund meetings held in coffee shops.

### Alcohol

Alexandrina Council is a workplace. When consuming alcohol, persons need to be mindful that the consumption of alcohol can impair one's physical, mental and social health, safety and wellbeing.

Occasionally, it may be appropriate to serve alcohol at civic / corporate / community events. Where alcohol is served at any event, it will be undertaken in accordance with the relevant Liquor Licence (if

applicable) and in accordance with the responsible service of alcohol requirements.

Council will not fund the purchase of alcohol for Council Members unless as part of an event involving the community where alcohol is provided to all attendees.

#### Personal Protective Equipment (PPE)

Council Members will be provided with a PPE high visibility vest to be worn at site visits with Administration and where necessary.

#### Wellbeing Support

Where Council Members require support in managing Council related, or personal matters, that impact on being able to perform their roles, functions and duties, the Council Member will be provided access to the Council's wellbeing support program, for up to three visits. Any additional visits will be at the discretion of the CEO.

Personal matters could be matters such as, but not limited to:

- Grief, bereavement, or trauma
- Depression, anxiety
- Stress management
- Conflict resolution.

Access to this support program is confidential to the attendee only. A notation will be made in the Council Member Allowances and Benefits Register in the "Other" section and will not identify any individual Council Member.

#### Administration Support and Stationery

Council Members will be supplied with:

- 2 reams of paper per annum
- Toner and ink for printers supplied by Council and a \$50 rebate per annum for BYOD printers
- 500 Alexandrina Council business cards per annum.
- Council Members will be issued a security (proximity) card allowing access to:
  - the lift and stairwell of the Administration Centre, to the Mayor's Office, between the hours of 8.00am and 6.00pm Monday to Friday
  - the Main Council Office front doors, Community Chambers, Council Chambers, Elected Members Hallway, Elected Members Kitchen, Elected Members Meeting Room, Front Entrance and Library North Sliding door between the hours of 8.00am and 10.00pm, 7 days.

### Insurance

Council Members are afforded specific protections for personal immunity and personal accident when undertaking their role, functions and duties at / for Alexandrina Council.

### Personal Immunity – Civil Liability

Council Members have the benefit of a personal immunity via Council's membership to the LGA Mutual Liability Scheme (LGAMLS). This provides Council Members with personal immunity where a third party alleges that as the result of a negligent act on the part of a Council Member, the third party suffers personal injury, damage or financial loss. If the alleged negligent act is the result of the Council Member failing to discharge his/her role, function or duty properly, the Council Member will have the benefit of personal immunity (in accord with the LGAMLS Rules).

The extension of the personal immunity to a Council Member will depend on the circumstances of the alleged civil liability while the Council Member is acting 'honestly' and in the exercise, performance or discharge, of the Council Member's or Council's purported powers, functions or duties.

### Personal Accident

Local Government Risk Services arrange on behalf of South Australian Councils a Personal Accident Insurance Policy covering Mayors, Chairpersons, Council Members and Directors.

The Personal Accident coverage is a policy of insurance which covers injuries that may occur while engaging in or on any activity directly or indirectly connected with or on behalf of Council including while travelling directly to and/or from such activity.

### Gifts

Expenditure is acceptable on ceremonial gifts, gifts of gratitude or other formal gifts or benefits to be given by Council, providing these are a direct part of an official Council arrangement, and are in accordance with the principles of probity, accountability and transparency.

Expenditure of up to \$75 per head (excluding delivery charges) is acceptable on ceremonial gifts, or other formal gifts to be given by Council to external parties. All other gifts are to be of token value e.g. cards.

A morning or afternoon tea may be provided to acknowledge significant service achievements e.g. 10, 15 and 20 years of service.

### Mayoral Support

In addition to the above Council Members facilities and support, Council resolves to make available to the Mayor:

A 4-wheel-drive motor vehicle, or alternative vehicle, including a Council fuel card, with full private usage permitted within South Australia. Any use

of the vehicle outside of South Australia can only be used for business purposes with prior approval from the Chief Executive Officer. Council procurement procedures will be undertaken in regards to the make and model of the vehicle provided in line with Council's Vehicle Guidelines.

- Office space within the Alexandrina Council building.
- Corporate credit card (Council use only).
- Administrative support in accordance with Council's budget.
- Appropriate catering for events and catering as required.
- Security access to both the Goolwa and Strathalbyn offices.

#### Other Reimbursements

Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any payments being made, benefits received, facilities and/or support being provided (unless permitted in this Policy to be at the discretion of the CEO).

### **5.9.3 Register of Allowances and Benefits**

- A register of Allowances and Benefits (Register) will be kept in accordance with s79 of the Act.
- The Register will include all expenditure associated with allowances, mobile telephone/internet expenses, reimbursements, meals and refreshments, conference and seminar costs, training, the provision of equipment, insurance and consumables etc.
- A person is entitled to inspect the Register without charge at the principal office of Council during normal office hours.
- A person is entitled to an extract from the Register for a fee set by Council and included in its Schedule of Fees and Charges.
- Details recorded in the Register will be reported to the Council on a quarterly basis.

### **5.9.4 Dispute Resolution**

Where there is a dispute, with regards to the reimbursement, the matter shall be settled by the Mayor and Chief Executive Officer. Should the dispute still remain the matter shall be determined by Council.

### **5.9.5 Application of Policy**

All monetary amounts referenced in this Policy are exclusive of GST.

Notwithstanding this provisions of this Policy, Council may resolve to approve expenses in excess of any defined limits in this Policy, or may solve to increase the provisions of this Policy at any time.

Any costs incurred by a Council Member in excess of the provisions of this Policy, and where there is no resolution of Council approving reimbursement of the additional expenses, the Council member will be responsible for the payment of these expenses.

#### **5.9.6 Availability of Policy**

This Policy will be available for inspection on the Council's website [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au). Copies can also be provided upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

#### **5.9.7 Review and Evaluation**

This Policy will lapse at the next general election (2026) at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances, reimbursements, support and benefits for their term in office (section 77(2) of the Act).

This policy may be reviewed and amended at anytime before that date.