

# ELECTED MEMBER ALLOWANCE & BENEFITS POLICY



COUNCIL POLICY – Elected Member Allowance & Benefits Policy	
Reference Number	714478
Responsible Business Unit	Office of the CEO
Responsible Officer	Chief Executive Officer
Legislation	Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 1999
Relevant Delegations	Chief Executive Officer
Related Policies Management Guidelines Frameworks	<ul style="list-style-type: none"> <li>• Good Public Administration Framework - 741628</li> <li>• Risk Management Framework - 765895</li> <li>• Elected Member Behavioural Management Framework</li> <li>• Elected Member Behavioural Management Policy (LGA Model Policy)</li> <li>• Elected Member Training &amp; Development Policy - <a href="#">714538</a></li> <li>• Caretaker Policy - <a href="#">690972</a></li> <li>• Code of Practice – Access to Council meetings – <a href="#">676270</a></li> <li>• <a href="#">Elected Members IT Acceptable Use Guidelines</a></li> </ul>
Link to Strategic Plan	Objective – 5.1 Effective
Council resolution	13.2
Date Adopted	21 November 2022
Review Date	November 2024, or before if required by Council or Legislation
Previous Revisions	11 October 2021, item 166.2 12 April 2021, item 66.2 19 November 2018, 200.2 10 April 2017, item 67.3 9 May 2016, item 85.4 14 December 2015, item 2774. 13 July 2015, item 172.4 24 November 2014 – 204.8 22 November 2010 – 14 9 November 2009 – 1020.1b 10 November 2008 – 304.1.2 5 November 2007 – 304.1.2 14 May 2007 – 133.1.4 24 July 2006 – 733.1.2

## POLICY STATEMENT

This policy will ensure that Elected Members allowances, reimbursement of expenses and provision of benefits, facilities and support are managed in accordance with legislation and in a fair and transparent manner.

## OBJECTIVES

- To ensure Elected Member allowances, reimbursement of expenses and provision of benefits, facilities and support from the Council is compliant with the Local Government Act 1999 and the Local Government (Members Allowances and Benefits) Regulations 2010.

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## SCOPE

This policy applies to all Elected Members of the Rural City of Murray Bridge.

## PRINCIPLES

- Council treats the payment as allowances and not as salaries and wages for taxation purposes and therefore is not subject to PAYG withholding provisions.
- To assist Elected 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 specified in this policy.
- Any reimbursements claimed by Elected 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 Elected Member under the Local Government.
- The accountability of the Council to its community for the use of public monies.
- An assessment of attendance at approved Council functions/activities to ensure they provide benefit to the Community.

## IMPLEMENTATION

- This policy will be managed by the Chief Executive Officer
- The Chief Executive Officer will sub delegate to the General Manager Corporate Services the responsibility of the production of the Register of Allowances and Benefits pursuant to section 79(1) of the Local Government Act and initiating a review allowances paid as prescribed by Regulations.

## DEFINITIONS

**Allowance** as determined by the Remuneration Tribunal on a yearly basis in accordance with Legislation.

**Mandatory Reimbursement** are as prescribed by Legislation;

**Prescribed and Approved Reimbursements** as identified by Legislation and determined by the Council by resolution.

**Approved Council Functions/Activities** include

- Attendance at Council endorsed training conferences, programs, workshops
- Attendance at Council briefings, workshops, meetings
- Attendance at meetings where the Elected Member is appointed at Council's delegate/representative
- Attendance at Council run events/activities

**Benefits** are discretionary and are as approved by the Council by resolution

## ALLOWANCES (S76 LOCAL GOVERNMENT ACT)

Elected Member allowances are determined by the [Remuneration Tribunal of South Australia](#) 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.

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Allowances will be paid electronically and quarterly in advance and be payable for the period commencing on the conclusion of the relevant periodic election and concluding at the time at which the last result of the next periodic election is certified by the Returning Officer under the *Local Government (Elections) Act 1999*.

Elected Members have the ability to arrange for their allowances to be paid into their superannuation account.

An Elected Member is entitled to decline payment of the allowance and in doing so is required to advise the Chief Executive Officer in writing that the payment is declined with a comment identifying this entered into the Register of Allowances and Benefits.

## ALLOWANCES (LEAVE OF ABSENCE – COUNCIL MEMBER CONTESTING ELECTION)

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.

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

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

## MANDATORY REIMBURSEMENTS (S77 LOCAL GOVERNMENT ACT)

To receive reimbursement prescribed for expenses (travel and child/dependent care) each Elected Member is required to complete the Elected Member reimbursement form and submit it to the Executive Assistant to the CEO and Mayor after each Council meeting for processing.

### TRAVEL

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

A "prescribed meeting" is defined under the Regulations to mean a meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member:

- reimbursement for travel expenses is restricted to 'eligible journeys' (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Local Government Act. For reimbursement for travel outside the Council area refer to "*Prescribed and Approved Reimbursements*" below.
- an 'eligible' journey means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.
- where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine

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capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth.

- travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses 'actually and necessarily incurred', but is still limited to 'eligible journeys' by the shortest or most practicable route and to the part of the journey that is within the Council area.
- the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

## CHILLD/DEPENDANT CARE

Elected Members are entitled to reimbursement for child/dependent care expenses actually or necessarily incurred by the Elected Member as a consequence of the Elected Member's attendance at a prescribed meeting. Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Elected Member.

## PRESCRIBED AND APPROVED REIMBURSEMENTS (\$77 LOCAL GOVERNMENT ACT)

To receive reimbursement for approved expenses each Elected Member is required to complete the Elected Member reimbursement form and submit it to the Executive Assistant to the Chief Executive Officer and Mayor after each Council meeting for processing along with a report on the outcomes of the activity/function .

Council has approved the following reimbursement of additional expenses as allowed under the Regulations.

## TRAVEL EXPENSES TO ATTEND APPROVED COUNCIL FUNCTION/ACTIVITIES

- Elected Members will receive reimbursement for expenses incurred in travelling to a Council approved function or activity on the Council's behalf with the following conditions applying:
  - Liaison with the Executive Assistant to the Mayor and Chief Executive Officer to make relevant bookings in relation to registration, travel and accommodation as required.
  - Travel both within and outside the Council must be incurred by the Elected Member as a consequence of attending a Council approved function/activities.
  - Reimbursement is restricted to the shortest or most practicable route.
  - Where an Elected Member is required to travel by private vehicle the rate of reimbursement is at a rate to the appropriate rate per kilometre (determined according to engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.28 of the *Income Tax Assessment Act 1997* of the Commonwealth.
  - Car parking fees will be reimbursed for attendance at the approved function/activity on the production of a receipt. If a receipt is not available a statutory declaration must be supplied.
  - Elected Member communication report to Council at the next available meeting on the outcomes of the meeting/workshop for information and consideration of the Council.

## CHILD/DEPENDENT CARE EXPENSES TO ATTEND APPROVED COUNCIL FUNCTION/ACTIVITIES

- Expenses incurred by the Elected Member for child/dependent care expenses to attend an approved function/activity on the Council's behalf with the following conditions applying:
  - Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Elected Member.
  - Receipts from an approved provider must be attached to the reimbursement form.

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## **PRESCRIBED AND APPROVED REIMBURSEMENTS (\$77 LOCAL GOVERNMENT ACT)**

The provision of the following benefits, facilities and support has been approved by the Council to assist Elected Members in performing their duties. They have been made available on the basis that they are necessary or expedient for the Member to perform or discharge his/her official functions or duties.

- The provision of a Corporate Jacket and a tie/scarf during the Council, replacement subject to wear and tear.
- The provision of a Council issued laptop based on the Windows Operating System and
  - Council Microsoft 365 license
  - inclusive of an email account
  - a laptop carry bag
  - sim card with data allocation.
- Access to meeting rooms and designated office facilities.
- The provision of Business Cards, if required
- Provision of administrative support via the Executive Assistant to the Chief Executive Officer and Mayor.
- Provision of meals and soft refreshments prior to Council meetings and workshops where the meeting occurs over a meal time or the meeting is expected to go for more than 5 hours.
- Provision of soft drinks, beer and wine refreshments after a Council meeting or workshop.
- Insurance coverage as determined by Legislation.

In addition to the Mayor will be provided with the following additional facilities and support to assist in the performance and discharge of official functions and duties:

- Provision of a mobile phone and office accommodation.
- Provision of a copy of the Murray Valley Standard and subscription to Murray Bridge News
- Provision of a reserved car parking space.
- Council will provide a monthly reimbursement in accordance with Section 77 of the Local Government Act to the Mayor for the use of a private vehicle, in lieu of providing a Council vehicle, for unlimited use within South Australia except when on periods of leave, substantiated through the completion of a log book as required by the Local Government (Members Allowances and Benefits) Regulations 2010.

The facilities remain the property and will not be used for a purpose unrelated to official functions and duties unless the use has been approved by Council and the Elected Member has agreed to reimburse Council for any costs associated with that use.

## **PRESCRIBED AND APPROVED REIMBURSEMENTS (\$77 LOCAL GOVERNMENT ACT)**

### **REIMBURSEMENT REQUESTS NOT COVERED WITHIN THE POLICY**

- Elected Members seeking legal advice will require the approval of Council.
- Elected Members seeking reimbursements for any other items not listed within this policy must provide a request in writing to the Chief Executive Officer to allow the request to be placed before the next available Council meeting for consideration in a public forum.
- Council is not liable for the cost of the partner of the Elected Member to attend Council functions

## **REGISTER OF ALLOWANCES AND BENEFITS**

In accordance with Legislation a Register of Allowances and Benefits will be kept and made available for inspection at the Local Government Centre and also on Council's website.