

## COUNCIL MEMBERS ALLOWANCES & BENEFITS POLICY

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Responsible Officer	Director Corporate & Community
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Applicable Legislation	Local Government Act 1999 Local Government (Members Allowances & Benefits) Regulations 2010 Remuneration Tribunal SA (applicable determinations)
Related Documents	Register of Allowances and Benefits for Council Members
Public Consultation Required	No
File Reference	9.63.1.4

### 1. INTRODUCTION

- 1.1. The Port Pirie Regional 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.

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## **Introduction cont'd**

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

## **2. POLICY OBJECTIVE**

- 2.1. 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 & 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

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### Scope & Responsibilities cont'd

- (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. In addition, the Chief Executive Officer is responsible for:

- (d) implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure; and
- (e) ensuring a copy of this Policy is provided to all Council Members.

## 4. POLICY PRINCIPLES

4.1. This Policy is underpinned by the following principles:

- Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging official Council functions and duties, which will be assessed according to the role of a Council Member under the Local Government Act.

## 5. ALLOWANCES

- 5.1. 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.
- 5.2. The relevant determination for the Council term commencing in November 2022 is Determination No. 2 of 2022 – Allowances for Members of Local Government Councils.
- 5.3. 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.
- 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.
- 5.5. The Port Pirie Regional Council has been identified as falling within Group 3 the current Remuneration Tribunal Determination, with an initial council member annual allowance of Group 3 \$15,381.
- 5.6. The annual allowance for:
  - principal members, is equal to four times the annual allowances for council members;

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## **Allowances cont'd**

- deputy mayor or deputy chairperson 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;
  - A deputy mayor who undertakes the duties of mayor for a period of one month or longer, is entitled to receive the mayor allowances for the entirety of the time they undertake those duties.
  - A deputy chairperson who undertakes the duties of chairperson for a period of one month or longer, is entitled to receive the chairperson allowance for the entirety of the time they undertake those duties.
  - The mayor / chairperson allowance is to be paid instead of the members usual allowance, and in proportion of the time the member performs the relevant duties.
  - 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).
- 5.7. 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. 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).
- 5.8. 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.
- 5.9. Port Pirie Regional Council Member Allowances will be paid monthly in advance.
- 5.10. 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:
- is not entitled to receive any Council Member allowance or reimbursement of expenses; and

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**Leave of absence cont'd**

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

**7. MANDATORY REIMBURSEMENTS – 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 Local Government Act).
- 7.2. 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:
- 7.3. 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 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.
- 7.4. 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.
- 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<sup>1</sup>.
- 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.

<sup>1</sup> 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](http://ato.gov.au) for cents per kilometre rates.

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## **8. MANDATORY REIMBURSEMENTS - Child/Dependant 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.

## **9. ADDITIONAL EXPENSE REIMBURSEMENTS - (Section 77(1)(b))**

- 9.1. 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.
- 9.2. Regulation 6 sets out the additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council.
- 9.3. 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.

### **9.3.1. Travel Expenses**

Council Members will receive reimbursement for expenses incurred in travelling to a function or activity on Council business. The following conditions apply to these expenses:

- 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 on the business of the Council" includes official Council functions including Mayoral 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 of any such community group or organisation, 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.
- 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).

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### Additional Expenses Reimbursement cont'd

- travel by taxi, bus, plane (specify in what circumstances), 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.

#### 9.3.2. Travel time payment

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

- a) **at least 30kms but less than 50km** distance from that Council's principal office, via the most direct road route
- b) **at least 50km but less than 75km** distance from that Council's principal office, via the most direct road route
- c) **at least 75kms but less than 100kms** from that Council's principal office, via the most direct road route;
- d) **100km or more** distance from that Council's principal office, via the most direct road route

If eligible, this payment is made to a Council Member in addition to any entitlement to reimbursement of other expenses actually incurred.

#### 9.3.3. Interstate and Overseas Travel

- Approval for any Elected Member to attend council business either interstate or overseas must be authorised by prior resolution of Council
- Where any Council Member is authorised to travel interstate or overseas representing Council, a written report must be presented to an open meeting of Council as soon as reasonably practicable following the travel, and in any event no later than 2 ordinary meetings following the travel.
- The report must include all costs paid for or reimbursed by Council, together with details of the success or otherwise of the travel.

#### 9.3.4. Intrastate Travel

- Council Members will provide written reports to open Council Meetings detailing costs and benefits derived from all meetings held intrastate but outside of the Upper Spencer Gulf Region and the region covered by the Legatus group. The report must be presented to an open meeting of Council as soon as reasonably practicable following the travel, and in any event no later than 2 ordinary meetings following the travel.

#### 9.3.5. Other Expenses

- 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

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### Additional Expenses Reimbursement cont'd

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: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals.

- A report will be prepared annually for Council from the Council Members' Allowances & Expenses Register.

## 10. FACILITIES AND SUPPORT

- 10.1. In addition to allowances and the reimbursement of expenses, the Local Government 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).
- 10.2. 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:

### Office Space

The Mayor will be provided with a 'Mayor's Parlor' which will include laptop computer with access to printer, office desk and access to a stocked kitchen.

### Robe and Chain

The Mayor is entitled to the Mayoral robe and chain for the duration of the occupancy of the Mayoral Office. The chain will be engraved with the commencement and retirement date and name of the Mayor.

### Mobile Telephone, Motor Vehicle, Stationery

A vehicle is provided to the Mayor for official Council business, on the basis that it is also available for use by other Council Members, support provided by a Personal Assistant, business cards, diary, official Port Pirie Regional Council ties & scarves, badge of office and name badge for partner, multi-function printer, answering machine, stationery.

### Corporate Credit Card

- A corporate credit card is provided in accordance with section 78 of the Act;
- The use of the corporate credit card is for the purchase of goods and services in accordance with the following conditions:
  - a "Credit Card Agreement by Cardholder" form shall be signed prior to issue of the card, containing these conditions.
  - The card holder will maintain strict care over custody and use of the card at all times.

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## **Facilities and Support cont'd**

- The credit card is only to be used for the purchase of goods and services within the approved Budget and consistent with Councils Procurement Policy.
- The card holder is to certify the correctness of all charges against the card.
- All purchases made using the credit card are only to be made within the authorised transaction limit and within the monthly limit for that card.
- All supporting documentation of purchases, including requirements by the ATO must be retained. This will generally be in the form of a tax invoice and receipt. All such documentation is to be forwarded to the CEO with the monthly statement, within 30 days.
- if the supporting documentation is not supplied, that the Mayor be personally liable for the expense.
- Only purchases are permitted on the card. Cash advances are not permitted.
- A pin number will be attached to the card, however the number must be retained by the Mayor and not disclosed to any other person.
- In the event the card is lost or stolen, the Mayor will immediately inform the Council bank and on the next business day advise the CEO.
- The Council will not be held responsible for any credit card purchases outside these conditions.
- If and when a card is no longer required, the cardholder will complete and sign a "Credit Card Destruction Notice" form. The card will be returned to the CEO to be destroyed and cancelled.
- No personal use of the card is permitted.

### Corporate Credit Card Expenditure Conditions

The Mayor is provided with a corporate credit card and expenditure is restricted to the following conditions:

- All expenditure must be limited to Council budgeted funds as per section 137 of the Act; and
- Expenditure is for the efficient purchase of goods and services directly related to the performance and discharge of the functions and duties of the Mayor.

### The corporate credit card may be used to purchase:

- Travel expenses related to official duties (e.g. taxi fares, accommodation and meals);
- Hospitality at meetings and events with external stakeholders, community members and those for the purpose of advocacy, strategic relationship building, civic and community events and meetings;
- Catering related to the discharge of the functions of the Mayor;

### The corporate credit card may be used to purchase:

- Gifts of recognition on behalf of Port Pirie Regional Council to

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## Facilities and Support cont'd

- community members or volunteers (e.g. thank you card etc.);
- Tribute to Council members or their immediate family in the event of illness, accident or bereavement (e.g. floral arrangements, card, donation to charity etc.); or
- Fuel for the council supplied vehicle (mileage documentation required).

The corporate credit card **must not** be used for:

- Items not related to Council budget funds;
- Personal transactions or purchases;
- Cash advances;
- Gift cards;
- Split purchases in order to negate credit limits; or
- Purchase of goods and services where the card holder may gain private advantage through the transaction.

The limit on the Mayor's corporate credit card is:

- A maximum of \$2,000 total per transaction;
- A maximum of \$2,000 total per month.

## Electronic Communication

- Council recognises that it is extremely important that Council Members have reliable electronic access to the internet and electronic mail services in order to effectively communicate with their constituents, Council employees, each other, networking opportunities and researching information.
- In order to assist Council Members in accessing this benefit, Council will reimburse Council Members for expenses incurred in the provision of Broadband internet connection at each Member's primary residential address, subject to the availability of broadband internet at each specific location.
- An annual allowance of \$600 will be provided for this purpose.

## Communication Support

- In order to support the principle previously mentioned in this policy that Council recognises that it is extremely important that Council Members have a reliable electronic access to the internet and electronic mail services in order to effectively communicate with their constituents, Council employees, each other, networking opportunities and researching information.
- All individual Council Members shall have a Port Pirie Regional Council email account and address that will be displayed on Council's website.
- The following additional information technology support shall be available to each Council Member:
  - A tablet device to a standard compatible with that used throughout the organisation shall be provided to each Council Member.
  - A multi-functional printer shall be provided to each Council Member or printing is available at any printer located in the administration building via

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## **Facilities and Support cont'd**

entry access fob.

- The above equipment remains the property of Council and may only be used for Council purposes and not for private use.
- Any use of Council resources is made with the understanding that such use is not secure, is not private, is not anonymous and is subject to monitoring. Systems are monitored internally and by external service providers to ensure compliance with standards, laws of the land and otherwise to ensure system integrity and security. Some monitoring activities may require disclosure to the Mayor, Chief Executive Officer, courts, tribunals, enforcement agencies and other external entities.
- All emails are captured as official Council records and may be recoverable under a Freedom of Information application.
- Council Members are aware that Council uses electronic information filtering systems to ensure Council's corporate electronic systems are protected from viruses and spam. From time-to-time attachments may be filtered out but these will be available upon request subject to being free of viruses etc.

## **Office Accommodation Facilities**

- Council Members are also able to access the Conference Room facilities in the Council Administration building for official Council purposes by contacting the Mayoral Personal Assistant during business hours who will book a room and make any other arrangements as required. During business hours all visitors (including Council Members) who attend the Council Administration building are required to sign in the Visitors' Book.
- For afterhours access, Council Members will be provided with a key and an alarm code to gain access to the Council Administration building Function area and Conference Room if required. The Conference Room, if required, should also be booked for after hour use, as it is used for various committees and Council related meetings.

## **Information to be provided to Council Members**

- Council shall maintain an Extranet for the sole benefit of Council Members, which will provide all relevant information required to undertake their role.

## **Recognition upon retirement**

- At the completion of a term of office as an Elected Member of Council, either by resignation or defeat in an election, the Elected Member be presented with an inscribed Port Pirie Regional Council plaque as a memento, such inscription to incorporate years of service.

## **Other facilities and Support**

In addition to the above, Council resolved to make available to Elected Members the following facilities and support to assist them in performing and discharging their official functions and duties.

- An optional Multi-function printer , badge of office (1) and name badge for partner, official Port Pirie Regional Council ties & scarves (2 of each).

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## **Facilities and Support cont'd**

- Stationery, including copier paper, toner ink or multi-function printer, business cards, diary etc. to the maximum value of \$600pa.
- The use of Council presentation equipment including an overhead projector, laptop and necessary peripherals for the purpose of presenting to community group sessions, as needed on occasion.

10.3. In addition, although not required by the Local Government Act, the Council has determined that the provision of the above 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) of the Local Government Act.

## **11. CLAIMING REIMBURSEMENTS**

11.1. To receive reimbursement for expenses, each Council Member is required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. Procedures have been established which require evidence of expenses incurred to support reimbursements claimed. Details are not required of expenses paid out of the Elected Member's allowance.

11.2. All claims for reimbursement must be submitted to the Chief Executive Officer (or other delegated officer) on a claim form available from the Elected Member Extranet, with receipts attached.

## **12. REGISTER OF ALLOWANCES AND BENEFITS**

12.1. 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

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### **Register of allowances and benefits cont'd**

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

### **13. REVIEW**

- 13.1. 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 Members' allowances, reimbursements, and benefits for their term in office (section 77(2) Local Government Act).

### **14. AVAILABILITY OF POLICY**

This policy will be available to be downloaded, free of charge, from Councils internet site: [www.pirie.sa.gov.au](http://www.pirie.sa.gov.au)

Copies will be provided to interested parties upon request, and upon payment of a fee in accordance with Councils Schedule of Fees and Charges

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