

1. Introduction

- 1.1 This policy has been developed and adopted primarily to accommodate Section 77(1)(b) of the Local Government Act 1999 ("the Act"), by specifying the types of expenses that will be reimbursed and/or covered without the need for specific approval of Council each and everytime a claim and/or allowance is made. It outlines the process and procedure for individual Members of the Council ("Members") to obtain reimbursement of those expenses. In addition, this policy also covers the payment of an annual allowance to Members, the provision of facilities and support and the basis on which these are made available to Members.
- 1.2 Members are paid an allowance for performing and discharging the functions and duties of their office as a Member of the elected body of the Council. Section 59 of the Act provides that the role of a Member, as a member of the governing body of the Council, is:
 - 1.2.1 to act with integrity;
 - 1.2.2 to ensure positive and constructive working relationships within the council'
 - 1.2.3 to recognise and support the role of the principal member under the Local Government Act;
 - 1.2.4 to develop skills relevant to the role of a member of the council and the functions of the council as a body;
 - 1.2.5 to participate in the deliberations and activities of the Council
 - 1.2.6 to keep the Council's objectives and policies under review to ensure that they are appropriate and effective
 - 1.2.7 to keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review
 - 1.2.8 to ensure, as far as is practicable, that the principles set out in section 8 (of the Act) are observed;
 - 1.2.9 to serve with overall public interest.
- 1.3 Section 58 of the Local Government Act specifies the role of the Principal Member as leader of the Council is to:
 - 1.3.1 to provide leadership and guidance to the council; and
 - 1.3.2 to lead the promotion of positive and constructive working relationships among members of the council; and



- 1.3.3 to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
- 1.3.4 to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- 1.3.5 to preside at meetings of the council; and
- 1.3.6 to liaise with the Chief Executive officer between council meetings on the implementation of a decision of the council; and
- 1.3.7 to act as the principal spokesperson of the council; and
- 1.3.8 to exercise other functions of the council as the council determines; and
- 1.3.9 to carry out the civic and ceremonial duties of the office of principal member.
- 1.4 This policy summarises the provisions of the Act and Regulations in respect to Members'allowances, the provision of facilities and support, the different types of expenses, the circumstances in which those expenses will be or can be reimbursed and what benefits Members receive that must be recorded for the purposes of maintaining the Register of Allowances and Benefits.

2. Objectives

2.1 The District Council of Mount Remarkable will ensure that the payment of Member allowances, the reimbursement of expenses, and the provision of facilities and support is accountable and transparent, and in accordance with Chapter 5, Part 5 of the Act and the Local Government (Members Allowances and Benefits) Regulations 2010 ("the Regulations").

3. Scope and 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 and responsibility to:
 - 3.2.1 maintain the Register of Allowances and Benefits;
 - 3.2.2 ensure allowances paid to Members are adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer PriceIndex ("CPI"); and



- 3.2.3 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.
- 3.2.4 implement and monitor expense reimbursement procedures in accordance with the Local Government Act and Allowance Regulations, this Policy and any associated procedure;
- 3.2.5 ensure a copy of this Policy is provided to all Council Members.

4. Policy Statement

- 4.1 This policy is underpinned by the following principles:
 - 4.1.1 Members should not be significantly out-of-pocket as a result of performing and discharging their Council functions and duties.
 - 4.1.2 Any reimbursements claimed by Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
 - 4.1.3 Facilities and support provided to Council Members will be provided on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).
 - 4.1.4 Members are encouraged to access continued professional training and development and this is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
 - 4.1.5 The accountability of the Council to its community for the use of public monies.
 - 4.1.6 Members are entitled to receive:
 - an annual allowance as provided in Section 76 of the Act and Regulation 4
 - reimbursement of prescribed travelling and child/dependent care expenses associated with attendance at Council/Committee meetings, pursuant to Section77(1)(a) of the Act and Regulation 5
 - travel time allowance (excluding the principal member) in accordance with the Remuneration Tribunal determination for non-metropolitan councils if their usual place of residence is at least 30kms or more from the Council's principal office.



- 4.1.7 Council has also agreed to:
 - reimburse certain prescribed expenses pursuant to Section 77(1)(b) of the Act and Regulation 6
 - provide Members with facilities and support to assist them in performing and discharging their functions and duties pursuant to Section 78 of the Act.

5. Allowances

- 5.1 Members are entitled to receive annual allowances, as 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.* Allowances are paid monthly in arrears by electronic funds transfer to the Council Members' a nominated bank account, and the remittance advice is emailed directly to Council Members email address provided by Council. Members, on request, can receive a financial summary statement at the conclusion of each financial year.
- 5.2 The relevant determination for the Council term commencing in November 2022 is <u>Determination No. 2 of 2022 Allowances for Members of Local Government Councils.</u>
- 5.3 The allowance determined by the Remuneration Tribunal will be payable for the period:
 - 5.3.1 commencing on the conclusion of the 2022 periodic election; and
 - 5.3.2 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 District Council of Mount Remarkable has been identified as falling within Group Number 5 in the current Remuneration Tribunal Determination, with an initial council member annual allowance of \$7,192.
- 5.6 The annual allowance for:
 - 5.6.1 principal members, is equal to four times the annual allowances for council members;



5.6.2 deputy mayor or deputy chairperson or a council member who is the presiding members of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for council members;

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).

Council Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic election to reflect changes in the CPI (all groups index for Adelaide). Adjustments will occur on 10 November 2023, 10 November 2024, and 10 November 2025. The change in the Consumer Price Index (CPI) to be applied will be the most recently available annual percentage change in the CPI as at the date of adjustment (which will likely be the most recent relevant September quarter figure).

6. 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: 6.2
 - is not entitled to receive any Council member allowance or reimbursement of expenses; and
 - 6.2.2 must not use any facility, service or other form of support provided by the Council: and
 - 6.2.3 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 – Travel —(Section 77(1)(a))

7.1 For the purposes of this section, Allowance Regulations makes the following definitions:

> '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 meeting;

> 'prescribed meeting' - in relation to a member of a council, means a meeting of the Council or Council Committee, or an information or briefing 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 member.

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).
- 7.3 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. Note any travel outside the Council area in order to attend Council or Council Committee Meeting 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 Where a 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) as prescribed for the purposes of calculating deductions for car expenses under Section 28.25 of the *Income Tax Assessment Act 1997*.
- 7.5 Travel 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.
- 7.6 Council will aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay these on a quarterly basis.

Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a)

- 8.1 Where child/dependent care expenses are actually or necessarily incurred by the Member as a consequence of the Council Member's attendance at a prescribed meeting.
- 8.2 Child/dependent care expenses are not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

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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.
- 9.2 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.
- 9.3 Regulation 6 sets out the additional expenses that may be reimbursed under Section 77(1)(b) with the approval of the Council.
- 9.4 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:

9.4.1 Travel

Members are entitled to receive reimbursement for expenses actually and necessarily incurred in travelling to official functions or activities on the business of Council, including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies, official visits etc.; inspection of sites within the Council which relate to Council or Committee agenda items; attendance at meetings of community groups and organisations as a Council appointed delegate (but not to attend meetings of community groups or organisations when fulfilling the role as a Member of the Board or local representative). The

The following conditions apply:

- (a) reimbursement is restricted to the shortest or most practicable route.
- (b) where a 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) as prescribed for the purposes of calculating deductions for car expenses under Section 28.25 of the *Income Tax Assessment Act 1997*.
- (c) 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).
- (d) travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily 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 mostpracticable route.



9.4.2 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** or more distance from the Council's principal office, via the nearestroute by road
- (b) at least **50km but less than 75km** from their Council's principal office, via the nearest route by road
- (c) at least 75km but less than 100km from their Council's principal officer, via the nearest route by road
- (d) **100km or more** distance from their Council's principal office, via the nearest route by road If eligible

This payment is made to Members in addition to any entitlement to reimbursement of expenses incurred. (Refer https://www.remtribunal.sa.gov.au/documents/2022/20220705-
Determination-2-of-2022-Members-of-Local-Government.pdf)

9.4.3 Care and other expenses

The following Care and Other expenses incurred by a Council Member are eligible for reimbursement:

- (a) Expenses for the care of:
 - (i) A child of a Member; or
 - (ii) A dependant of the Member requiring full-time care

incurred 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 LG Act.

(b) Expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity, approved by Council on a case-by-case basis, 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 Local Government Act.



- economy class airfares, registration fees, accommodation, meals, taxi fares, car parking, internet connection and incidentals. [Note: the majority of bookings will be made by Council staff – CEO to advise on a case-by-case basis]
- 9.5 To receive reimbursement for entitled expenses, each Member is required to complete the appropriate claim form and submit it to Chief Executive Officer
- 9.6 All claimed expenses (except travel) must be accompanied by a tax invoice.
- 9.7 Members are requested to submit these forms at least on a quarterly basis.

10. Facilities and Support

- 10.1 Section 78 of 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. Any such services and facilities must be made available to all Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member.
- 10.2 Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Members including the Principal Member:
 - 10.2.1 laptop computer
 - 10.2.2 stationary necessary for the performance and discharge of a Member's duties. This includes business cards, reams of paper (within reasonable quantities), printing at the council offices or other consumables at the discretion of the Chief Executive Officer
 - 10.2.3 internet connection and data plan up to a value of \$50 per month and organised by Council's Administration using Council's provider. Should Council's provider be deemed to be unacceptable due to connection or other issues, approved by the CEO, an Elected Member may request to utilise their own provider and seek reimbursement equal to the value paid by Council for its Elected Member Provider Plan; and
 - 10.2.4 use of a Council motor vehicle if available and only on the basis as set out in the Council Policy 'Use of Council Vehicle Policy'
 - 10.2.5 use of Council meeting rooms by Members for meetings with residents and other stakeholders. Charges may apply in some instances.
 - 10.2.6 Meals and refreshments provided as appropriate while attending Council meetings, Council committee meetings, briefings and workshops. Tea and coffee making facilities will be available for the reasonable use of Members, their guests and visitors



- 10.2.7 Access to a wellbeing support program that entitles Member's for up to three visits to a wellbeing support service, if required. This is in recognition of the sometimes significant challenges that can occur in office. Any additional visits will be at the discretion of the Chief Executive Officer.
- 10.3 The Principal Member (or any Acting Principal Member) will additionally receive:
 - 10.3.1 mobile phone supplied by Council together with a plan enabling both calls and data up to a value of \$120 per month
 - 10.3.2 administrative support as enabled by and at the discretion of the Chief Executive Officer
- 10.4 The provision of the facilities and support are made available to all Members (including the Principal Member) on the following basis:
 - 10.4.1 they are necessary or expedient for the 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
 - 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 Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage
 - 10.4.4 each Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office
 - 10.4.5 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
 - 10.4.6 if the facilities provided to the Member are damaged or lost the Member must lodge a written report with the Council as soon as practicable
- 10.5 The use of Council facilities, support and/or services by 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 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

11.1 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. Exceeding of Policy Allocations

12.1 Any additional charges that exceeded the nominated values in relation to data plans will be invoiced to the Members at the same rate as the costs incurred to Council or as defined in this policy, whichever is the greater.

13. Claims for Reimbursement

- 13.1 Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed.
- 13.2 The Council's standard reimbursement form includes a section to be completed by the Member 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 Member for the purpose of recording such information in the Register of Allowances and Benefits.
- 13.3 All claims for reimbursement must be submitted to the Chief Executive Officer on the form/sprovided for this purpose on a monthly/quarterly basis for the purposes of maintaining the Register of Allowances and Benefits. Reimbursement will only be paid upon presentation of the form/s and adequate evidence supporting the claim.

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 whereby a record is kept of:-
 - 14.1.1 the annual allowance payable to a Member under section 76 (in the case of 79(1)(a)) of the Act; 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 details of any 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 (Regulation 7 of the Allowances Regulations).
- 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 will update the Register each quarter, however each Council Member is required to provide his or her claim form for reimbursement prior to the last business day of each month.



- 14.4 The Register of Allowances and Benefits is available for inspection by members of the public, free of charge at the Council's office during ordinary business hours and on the Council's website www.mtr.sa.gov.au
- 14.5 Copies or extracts of the Register are available for purchase upon payment of a fee fixed by Council.

15. Policy Review

The Council Members' Allowance and Benefits Policy lapses at a general election of the Council. As a result, Council must adopt a new Council Members' Allowances and Benefits Policy following the conclusion of a general election each four years.

In addition, it is Council's policy review process that periodic reviews will be undertaken as a result of changes to legislation that may affect the accuracy of the policy provisions or by resolution of Council.

16. Policy Provisions Auditing

Council approves introducing an auditing review process of Council Members Allowances and Benefits to demonstrate good accountability and transparency in terms of better governance practice.

An audit will be undertaken, by the Governance Officer, in September of each year. All Council Members will be audited at least once during their term of office. Each September, two Elected Members will be randomly selected for auditing purposes.

If there are inconsistencies found or a breach of this Policy, the matter will be referred to the CEO in consultation with the Mayor, unless it concerns the Mayor, in which case the Deputy Mayor.



17. Document administration and control

Policy title:	Council Members Allowances and Benefits Policy
Policy number:	04.01
Policy type:	Council / Statutory
Responsible officer:	Chief Executive Officer
First issued / adopted:	20 December 2016, reference 290-2016
Review period:	Members' allowances are reviewed in accordance with Section 76(9) of the Act and any changes noted in the Register.
	This policy, in its entirety, will automatically lapse at the next general election of the Council, and be replaced by a policy as endorsed at the first meeting following the election.
	This Policy may also be reviewed and updated from time to time during the term of the Council.
Last reviewed:	29 November 2022, [242-2022], February 2024 [029-2024]
Next review date:	November 2026
Version:	Version 6
Date revoked:	n/a
Applicable legislation:	Section 76, 77, 78, 79 Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010
Related documents:	Nil
Public consultation required / undertaken:	No
Availability	This Policy is available for inspection at the Council office and any person may obtain a copy of this Policy upon payment of the fee fixed by Council in accordance with Council's Fees and Charges adopted each financial year. It is also available on Council's website mtr.sa.gov.au .
	Any grievance in relation to this policy or its application should be forwarded in writing to the Chief Executive Officer of the Council.
File reference:	W:\4. Policy Manuals\Current Policy Manual

Appendix 1 Council Member's Reimbursement Claim



Lodge with CEO

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.

This form must be completed by council within elamining the reimbursement of expenses.	
Name:	
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TRAVEL EXPENSES AND TRAVEL TIME PAYMENT (if applicable)

Personal Vehicle

Date	Со	uncil function or bu	siness purpose for	travel*	Km
			TOTAL KU ON	AFTREC CLAIRAER.	
			IOIAL KILON	METRES CLAIMED:	
Office Use Only:			Kilometres @	¢/km = \$	
Motor Vehi	cle Details (where app	licable):			
Mo	del and make				
Eng	gine size				

Bus and/or Taxi Costs (where applicable):

Date	Council function or business purpose for travel	Co st
	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.

NOTE: Travel Time Payment shall be payable to Council Members (excluding Principal Members) of non-metropolitan Councils in accordance with the *Remuneration Tribunal SA Determination – Allowances for Members of Local Government Councils* whose usual place of residence is within the relevant Council area and is located at least 30km but less than 50km, 75km, or 100km or more distance from the Council's principal office via the nearest route by road.

District Council of Mount Remarkable

3 Stuart Street, MELROSE SA 5483

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Appendix 1 Council Member's Reimbursement Claim



CARE EXPENSES

<u></u>	EXTENSES		
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/Incidentals details	Cost
	TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

Appendix 1 Council Member's Reimbursement Claim



Select prefer	red method of	Cheque	Direct	
payment:		Cheque	Debit	
If not provided pre	viously or your details ha	ave changed, please comp	olete your details below:	
BSB:				
Bank and	Branch:			
Account	No:			
Account	Name:			
District Council of	Mount Remarkable and Act 1999 and Regulation	d are made in accordan	as a Council Member with ce with section 77(1)(a) of rnment (Members Allowal	the
	Signature		Date	
OFFICE USE ONLY	,			
proved by CEO:		ı	Date:	
-	Signature			
ocessed by:		1	Date:	
• =	Signature		-	

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