

Council Members' Allowances & Benefits Policy

Policy Number	A9
Responsible Officer(s)	Chief Executive Officer; Manager Finance.
Policy Adopted	November 2011
Last revised date	November 2022
Minutes reference	2022/11-17
Next review date	November 2026
Applicable Legislation	<i>Local Government Act 1999; Local Government (Members' Allowances and Benefits) Regulations 2010.</i>
Related Documents	Register of Allowances & Benefits.

1. INTRODUCTION

- 1.1 The Wakefield 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 Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").
- 1.2 This Policy sets out the provisions of the Act and Regulations in respect of Council Member allowances, expenses, and support. This Policy is also provided in accordance with Section 77(1)(b) of the Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.
- 1.3 Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the Act provides the role of a Council Member, as a member of the governing body of the Council. Additionally, section 58 of the Act specifies the role of the Principal Member as leader of the Council.
- 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 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 Act and the 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
- (c) ensure copies of this Policy are published on a website and able to be provided in printed form on request.

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

- (a) implementing and monitoring expense reimbursement procedures in accordance with the Act, the Regulations, this Policy and any associated procedure; and
- (b) 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:

- (a) to assist Council Members in performing or discharging their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this policy;
- (b) 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 Act;
- (c) Council encourages continued professional training and development for Council Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties;
- (d) the accountability of the Council to its community for the use of public monies.

5. ALLOWANCES

- 5.1 Council Member allowances are determined by the Remuneration Tribunal on a 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 Wakefield Regional Council has been identified as falling within Group 4 in the current Remuneration Tribunal Determination, with an initial council member annual allowance of \$10,955.
- 5.6 The annual allowance for:

- principal members, is equal to four times the annual allowances for council members;
- 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;

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).

In circumstances where a Deputy Mayor undertakes duties of the Mayor for a period of one month or longer, the Deputy Mayor is entitled to receive the Mayor allowance for the entirety of the time they undertake those duties. The Mayor allowance is to be paid instead of the members' usual allowance, and in proportion to the time the member performs the relevant duties.

- 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 (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 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 Regulations (and for the purposes of section 76 of the Act), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.
- 5.9 Wakefield Regional Council Mayoral allowance will be paid monthly in advance, with the allowances for the Deputy Mayor and Council members being paid quarterly in advance via electronic funds transfer to a nominated bank account.
- 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 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
 - 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 Act.

7. MANDATORY REIMBURSEMENTS – TRAVEL

- 7.1 Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a "prescribed meeting" (section 77(1)(a) of the Act).
- 7.2 A "prescribed meeting" is defined under the 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 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* (Cth).
- 7.6 Travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses “actually and necessarily incurred” but is still limited to “eligible journeys” by the shortest or most practicable route and to the part of the journey that is within the Council area.
- 7.7 The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

8. MANDATORY REIMBURSEMENTS – CHILD/DEPENDANT CARE

- 8.1 Council Members are entitled to reimbursement for child/dependant 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/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

9. ADDITIONAL EXPENSE REIMBURSEMENT

- 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 Act provides that the Council may approve the reimbursement of additional expenses incurred by Council Members, as provided for in the 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 Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

9.3.1 Travel

The following travel related expenses incurred by a Council Member actually and necessarily incurred in travelling to a function or activity on the business of Council are eligible for reimbursement subject to the following conditions:

- travel both within and outside the Council area must be incurred by the Council Members as a consequence of attendance at a function or activity on the business of Council. A

'function or activity of Council' means official Council functions including citizenship ceremonies, official visits, attendance at meetings of community groups or organisations when fulfilling the role of Council Delegate or Liaison Representative;

- travel related to attendance at a Council or Committee meeting (eligible journey) as it relates to that component outside the Council area;
- reimbursement is restricted to the shortest or most practicable route;
- where a Council Member travels by private vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* (Cth).

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 Care and Other Expenses

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

- expenses incurred for the care of a child/dependent of the Council Member requiring full-time care as a consequence of the Council Member's attendance at a function or activity on the business of Council (other than for which the Council Members are reimbursed under mandatory reimbursements as described above);
- expenses incurred 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 and discharge of the roles and duties of the member. The following types of expenses will be reimbursed – registration fees, meals, car-parking, etc. (other than for which the Council Members are reimbursed under mandatory reimbursements as described above).

10. FACILITIES AND SUPPORT

- 10.1 In addition to allowances and the reimbursement of expenses, the Act provides that the Council can provide facilities and forms of support for use by its Council Members to assist them to perform or discharge their official functions and duties (section 78).

- 10.2 The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties. In approving the provision of facilities and support, section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).
- 10.3 Pursuant to section 78 of the Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:
- (a) stationary;
 - (b) iPads (or similar device) will be provided subject to the following conditions:
 - i) iPads are to be used primarily for Council business, such as document management (i.e. Council Agenda and Minutes), communication and research. Limited and reasonable private use is permitted within the limits of Council's pre-paid data allocation for each iPad and the Behavioural Standards for Council Members. Staff will monitor usage and alert Council Members if data exceeds limits;
 - ii) use of Council devices is not private or confidential. All data sent, received and stored remains the property of the Council;
 - iii) Council Members must abide by all relevant legislation and policies in relation to official records. Refer to the Records Management Policy;
 - iv) Council Members are responsible for all activities which originate from accounts in their name and devices assigned to them;
 - v) Council Members must comply with section 62(3) of the Act which states that Council Members must not make improper use of information acquired by virtue of being a Council Member to gain, directly or indirectly, a benefit for themselves or another person or to cause detriment to the Council;
 - vi) Council Members should be aware when accessing internet sites, their visit will be sourced and recorded as coming from Wakefield Regional Council. Council must not access any offensive, objectionable or illegal materials;
 - vii) any applications used on a Council provided device must be approved for use by the Deputy Chief Executive Officer. The iPad will be loaded with a standard suite of software appropriate to the use for which it is provided;
 - viii) each Council provided device must be returned at least every 12 months, or more frequently as required, for systems maintenance and upgrades by Council staff;
 - ix) Council Members must not download material from the internet or otherwise receive and use information that is owned by a third party unless they have the written permission of that party;
 - x) it is the responsibility of each Council Member to maintain the confidentiality and security of their own password. Please only ever

disclose your password if requested by the Chief Executive Officer or Information Technology staff.

- c) internet access via mobile data network is provided by using the iPad internal sim card;
- d) a Council email address for Council business. A Council supplied email address should not be used for personal business. Email access is via the device's mobile network connection on Council Members' iPads. The Council Member may secure email access via a standard home internet wi-fi connection but the costs of such a connection will not be reimbursed.

10.4. The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the Act on the following basis:

- they are necessary or expedient for the Council member to perform or discharge their official functions or duties;
- the facilities remain the Council's property regardless of whether they are used off site or not; and
- they are not to be used for a private purpose or any other purpose unrelated to official Council functions, and duties, unless such usage has been specifically pre-approved by the Council and the Council Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

10.5 In addition, although not required by the Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- 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 are not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Act.

10.6 All other expenses, reimbursements and support not listed within this policy will require approval by Council on a case by case basis.

11. CLAIMING REIMBURSEMENTS

11.1 To receive reimbursement for expenses, each Council Member is required to complete a *Council Member Expense Reimbursement Claim* (Appendix A). For the purposes of administrative efficiency, Council Members are requested to submit all Reimbursement Claim forms to governance@wrc.sa.gov.au on a quarterly basis for the purposes of maintaining the Register of Allowances and Benefits. Claims for reimbursement must always be submitted within the same financial year as the expense was incurred.

11.2 Receipts confirming the expenditure has been incurred must be provided with any claim made for reimbursement.

12. REGISTER OF ALLOWANCES AND BENEFITS

12.1. Pursuant to section 79(1) and (2) of the Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of—

- 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 Act (in the case of section 79(1)(b)); and
- 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).

12.2. Reimbursements paid under section 77(1)(a) of the 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) of the Act).

Document history:

Version	Adopted	Description of Change
1.0	November 2011 – Min 180	New Policy
2.0	November 2014 – Min 109	New document for new Council to suit legislative changes.
3.0	February 2016 – Min 181	Insert provision 4b) <i>et seq</i> regarding tablet devices.
4.0	November 2018 – Min 2018/011-006	New template, including the addition of principles and objectives; simplification of language; minor changes to reflect Council Member responsibilities and commitment to transparency of information. New form attached.
5.0	November 2022	New template and review following Local Government reform.



COUNCIL MEMBER EXPENSE REIMBURSEMENT CLAIM

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

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

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

Personal Vehicle

Date	Council function or business purpose for travel*	Km
TOTAL KILOMETRES CLAIMED:		
Office Use Only: _____ Kilometres @ _____ ¢/km = \$		

Motor Vehicle Details (where applicable):

Model and make	
Engine size	

Bus and/or Taxi Costs (where applicable):

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

Please attach copies of all receipts

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

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, 50km, or 100km or more distance from the Council's principal office via the nearest route by road

COUNCIL MEMBER EXPENSE RESIMBURSEMENT CLAIM FORM

CARE EXPENSES

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

Please attach copies of all receipts

NOTE: A “prescribed meeting**” means a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member.

TELEPHONE/OTHER TELECOMMUNICATION EXPENSES

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

Please attach copies of all receipts

CONFERENCE/SEMINAR/TRAINING COURSE EXPENSES

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

Please attach copies of all receipts

Select preferred method of payment:

Cheque

☐

Direct Debit

☐

COUNCIL MEMBER EXPENSE RESIMBURSEMENT CLAIM FORM

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

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

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

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

Signature

Date

Please submit reimbursement claim form to the Council Office or via email at governance@wrc.sa.gov.au

OFFICE USE ONLY

Received by: _____ Date: _____

Processed by: _____ Date: _____

(Manager Finance)