

 Adelaide Plains Council	Council Members Allowances and Benefits Policy	
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	Administered by: Chief Executive Officer	Last Review Date: 2023 Next Review Date: 2026
Document No: D22/22402	Strategic Outcome Proactive Leadership	

1. Objective

The purpose of this Policy is to ensure that the payment of Council Member allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council is accountable, transparent and in accordance with the *Local Government Act 1999* (the Act) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations).

This Policy sets out the provisions of the Act and Regulations in respect of Council Member allowances, expenses, and support under section 77(1)(a). This Policy is also provided in accordance with section 77(1)(b) by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

Council Members are paid an allowance for performing and discharging their functions and duties on Council.

Section 59 of the 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.

Section 58 of the Act specifies the role of the Principal Member as leader of the Council, which is:

- (a) to provide leadership and guidance to the council; and
- (b) to lead the promotion of positive and constructive working relationships among members of the council; and
- (c) 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
- (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- (e) to preside at meetings of the council; and
- (f) to liaise with the chief executive officer between council meetings on the implementation of a decision of the council; and
- (g) to act as the principal spokesperson of the council; and
- (h) to exercise other functions of the council as the council determines; and
- (i) to carry out the civic and ceremonial duties of the office of principal member.

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.

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

2. Scope

This Policy applies to all Council Members, who each have an obligation to abide by this Policy.

3. Definitions

Chief Executive Officer (CEO) means the appointed Chief Executive Officer of Adelaide Plains Council, the Acting Chief Executive Officer or their delegate;

Council Business, in relation to allowances and benefits, means the official functions and duties related to the performance or discharge of the roles or duties of a Council Member

Council Member means an elected member of Adelaide Plains Council;

Consumer Price Index (CPI) means the Consumer Price Index published by the Australian Bureau of Statistics;

Eligible Journey has the meaning prescribed under regulation 3 of the Regulations:

... 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.

General Election means a general election of Council Members held:

- (a) under section 5 of the *Local Government (Elections) Act 1999*; or
- (b) pursuant to a proclamation or notice under the *Local Government Act 1999*.

Prescribed Committee means a Council committee, including a committee established under section 41 of the *Local Government Act 1999*.

Prescribed Meeting has the meaning prescribed under regulation 3 of the Regulations:

... 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.

4. Policy Statement

4.1 This Policy is underpinned by the following principles:-

- a) Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties;
- b) 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;
- c) 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).
- d) Any reimbursements claimed by Council 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 a Council Member under the Act;
- e) Council encourages continued relevant professional training and development for Council Members. This is seen as being imperative and necessary in terms of good governance and to the improved performance of their functions and duties; and
- f) The accountability of the Council to its community for the use of public monies.

5 Roles and Responsibilities

5.1 All Council Members have an obligation to abide by this Policy and any associated procedures.

5.2 The CEO has a 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) Implement and monitor expense reimbursement procedures in accordance with the Act, the Regulations, this Policy, and any associated procedures; and
- d) Ensure this Policy is published on the Adelaide Plains Council website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.
- e) Ensure a copy of this Policy is provided to all Council Members.

6 Allowances

6.1 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*.

6.2 The relevant determination for the Council term which commenced in November 2022 is *Determination No. 2 of 2022 – Allowances for Members of Local Government Councils*.

6.3 The allowance determined by the Remuneration Tribunal is 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*.

6.4 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.

6.5 The Adelaide Plains 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.

6.6 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).

6.7 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).

6.8 Allowances to Council Members will be paid on a monthly basis, one (1) month in arrears by electronic funds transfer to a nominated bank account. Council Members are not required to complete any paperwork or provide any evidence of activity in order to receive the allowance.

6.8.1 A member of a council who holds office for part of the period in respect of which an allowance is payable is entitled to the proportion of the allowance equivalent to the period for which the member held the office (section 76(11) of the Local Government Act).

6.8.2 A Council Member is entitled to decline acceptance of the allowance. Where a Council Member declines to accept the allowance, it will be recorded in the Register of Allowances and Benefits.

6.9 A payment summary will be provided to Council Members at the conclusion of each financial year.

7 Leave of Absence – Council Member contesting election

7.1 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.

7.2 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.

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

8 Mandatory Reimbursements – Travel (Section 77(1)(a))

8.1 Council Members are entitled to receive reimbursement for traveling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a Prescribed Meeting.

8.2 Reimbursement for travel expenses is restricted to Eligible Journeys, provided that the journey is 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. Reimbursement for travel outside of the Council area is outlined at 9. *Prescribed and Approved Reimbursements* below.

8.3 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).

8.4 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.

8.5 The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on a monthly basis.

Claiming Reimbursement for Travel under section 77(1)(a)

To receive reimbursement for travel expenses for Eligible Journeys, a Council Member is required to submit a completed *Councillor Travel Claim Form* to Council's Accounts Payable Officer, in accordance with the *Council Members Communication Policy*. For the purposes of administrative efficiency Council Members are requested to submit the *Councillor Travel Claim Form* on a monthly basis.

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

9.1 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.

9.2 Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

Claiming Reimbursement for Child/Dependant Care

To receive reimbursement for travel expenses for Eligible Journeys, a Council Member is required to submit a completed *Councillor Dependant Care Claim Form* to Council's Accounts Payable Officer. For the purposes of administrative efficiency Council Members are requested to submit the *Councillor Dependant Care Claim Form* on a monthly basis.

10 Additional Expense (Prescribed and Approved) Reimbursements (Section 77(1)(b))

10.1 There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above. Section 77(1)(b) of the Act provides that the Council (meaning, the Council as the governing body) may approve the reimbursement of additional expenses as set out in the Regulations incurred by Council Members, either on a case-by-case basis or under a Policy adopted by Council. This Policy sets out the types of approved expenses that may be reimbursed.

10.2 For the purposes of this Policy, and pursuant to section 77(1)(b) of the Act, Council approves the reimbursement of additional expenses of Council Members as described below.

10.2.1 Travel

The following travel related expenses incurred by a Council Member are eligible for reimbursement:

1. To a function or activity on the business of Council;
2. Related to attendance at a Council or Council committee meeting, being an Eligible Journey, to the extent that those expenses are attributable to travel outside the area of Council;
3. Related to attendance at meetings of regional subsidiaries held pursuant to section 43 of the Act, as a member of any subsidiary;

The following conditions apply to reimbursements for expenses incurred by Council Members in travelling to a function or activity on the business of Council:

- 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. This includes official Council functions such as Mayoral receptions, ceremonies, dinners and visits; inspection of sites within the Council area which relate to Council or Committee agenda items; meetings of community groups and organisations when attendance is in the capacity of a Council Member (but not 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* (Cth);

- 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;
- travel by taxi, bus, plane 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 Council, however such travel must still be by the shortest or most practicable route; and

Receipts confirming the expenditure has occurred must be provided to support any claim made.

10.2.2 Travel Time Allowance

Pursuant to the determination made by the Remuneration Tribunal, Council Members (excluding the Principal Member) of the Adelaide Plains Council are eligible for payment for a travel time payment where the Council Member's usual place of residence within the Adelaide Plains Council area is located:

- a) **at least 30kms but less than 50km** from Council's principal office, via the most direct route by road - \$454 per annum;
- b) **at least 50km but less than 75km** from Council's principal office, via the most direct route by road - \$775 per annum;
- c) **at least 75km but less than 100km** from Council's principal office, via the most direct route by road - \$1,162 per annum;
- d) **100km or more** from Council's principal office, via the most direct route by road - \$1,649 per annum.

This payment is made to a Council Member in addition to any entitlement to reimbursement of expenses incurred.

10.2.3 Care and Other Expenses

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

1. For the care of a child of a Council Member or a dependant 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 expenses for which the Council Member is reimbursed under section 77(1)(a) of the Act);
2. 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 discharge of the roles or duties of the Council Member (other than expenses for which the Council Member is reimbursed under section 77(1)(a) of the Act). Expenses will only be reimbursed for attendance at conferences, seminars, training courses and other activities that have been approved by Council or under delegation/policy (e.g. under the *Council Member Training and Development Policy*). Where attendance is approved, the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals.

Receipts confirming the expenditure has occurred must be provided to support any claim made.

11 Facilities and Support

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

11.2 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:

- Laptop, wired mouse, laptop bag, 4G enabled sim card;
- Business cards;
- Name badges;
- Use of Council meeting rooms; and
- At the discretion of the Chief Executive Officer, Council Members are provided with meals and refreshments at particular Prescribed Meetings.

11.3 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 his/her 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.

11.4 In addition to the above, Council has resolved to make available to the Principal Member (the Mayor), and to any acting Principal Member appointed during the Principal's Member's absence, the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- A mobile telephone (or telephone allowance);
- Administrative assistance by the Executive Assistant on a regular basis; and
- Media and communications support by the Director, Corporate Services and Marketing and Communications Officer as required.

11.5 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; and
- 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 Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Act.

12 Other Reimbursements

Any additional reimbursements, facilities and/or support not detailed in this Policy will require approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

13 Claims for Reimbursements

- 13.1 To receive reimbursement for expenses, each Council Member is required to complete 'Council Member Travel Claim Form' or 'Council Member Expense Reimbursement Claim Form'. For the purposes of administrative efficiency, Council Members are requested to submit claim/reimbursement forms monthly in arrears via email to info@apc.sa.gov.au.
- 13.2 Receipts confirming the expenditure has been incurred must be provided with any claim made for reimbursement.

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 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 Regulations).

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

15 Related Documents

Council Member Dependant Care Claim Form

Council Member Expense Reimbursement Claim Form

Council Member Travel Claim Form

Council Members Training and Development Policy

16 Records Management

All documents relating to this Policy will be registered in Council's Records Management System and remain confidential where identified.

17 Document Review

Council Member allowances are determined by the Remuneration Tribunal on a four (4) yearly basis.

This Policy will be reviewed biennially, or as required by legislation.

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

18 References

Income Tax Assessment Act 1997 (Cth)

Local Government Act 1999 (SA)

Local Government (Members Allowances and Benefits) Regulations 2010 (SA)

19 Further Information

This Policy, and the Register of Allowances and Benefits is available on the Adelaide Plains Council website www.apc.sa.gov.au or for inspection during ordinary business hours at Council's Principal Office located at 2a Wasleys Road, Mallala.

Copies or extracts of the Policy or Register are available for purchase upon payment of a printing fee in accordance with Council's Fees and Charges.

Any queries in relation to this Policy must be in writing and directed to the Director, Corporate Services.