Elected Member Allowances and Support Policy
Introduction

District Council of Franklin Harbour 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 LG Act") and the Local Government (Members Allowances and Benefits) Regulations 2010 ("the Regulations").

This Policy sets out the provisions of the LG 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 LG 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.

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the LG Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is to:

(i) participate in the deliberations and civic activities of the Council;
(ii) keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
(iii) keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

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 LG Act.

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

Policy Objective

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

Scope & Responsibilities

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

The Council’s Chief Executive Officer has the duty to:

1. maintain the Register of Allowances and Benefits;

2. initiate a Consumer Price Index ('CPI') review of allowances paid to Council Members (to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the CPI under the scheme prescribed by the Regulations); and
3. ensure copies of this Policy are available for inspection by the public at the principal office of the Council.

In addition, the Chief Executive Officer is responsible for:

4. implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy and any associated procedure; and

5. ensuring a copy of this Policy is provided to all Council Members.

**Policy Statement**

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.

- 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.

- 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 LG Act.

- 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.

- The accountability of the Council to its community for the use of public monies.
Allowances

Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.

An allowance determined by the Remuneration Tribunal will take effect from the conclusion of the relevant periodic election. Council Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index (“CPI”) under a scheme prescribed by the Regulations.

In accordance with regulation 4 of the Regulations, (and for the purposes of section 76 of the LG 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.

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. The annual allowance for:

- principal members, is equal to four times the annual allowances for Council Members of that council;
- 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 allowances for Council Members of that Council;

An additional allowance in the form of a sitting fee is also payable for Councillors who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).

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

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 LG Act).

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

- reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section
77(1)(a) of the LG Act. For reimbursement for travel outside the Council area refer to "Prescribed and Approved Reimbursements" below.

- an 'eligible' journey means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.

- where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.

- travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’, but is still limited to ‘eligible journeys’ by the shortest or most practicable route and to the part of the journey that is within the Council area.

- the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

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

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

To receive reimbursement for such prescribed expenses (travel and child/dependant care) each Council Member is required to complete a claim form (appendix 1) and submit it to the Chief Executive Officer. For the purposes of administrative efficiency Council Members are requested to submit these forms on a quarterly basis.

**Prescribed and Approved Reimbursements (Section 77(1)(b))**

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 LG 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.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependant care expenses associated with attendance at a prescribed meeting.

Regulation 6 of the Regulations sets out the types of additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council. These are:
an expense incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;

- travelling expenses incurred by the Council 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);

- travelling expenses incurred by the Member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the Council;

- expenses for the care of:
  (i) a child of the 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); and

- expenses incurred by the Member as a consequence of the Member’s attendance at a conference, seminar, training course or other similar activity 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 LG Act).

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

**Travel**

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of:

- Travel related to attendance at a Council or Council committee meeting being an “eligible journey” (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to the appropriate km rate, or an equivalent airfare

- 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/Chairperson 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 organizations as a Council representative – but not to attend meetings of community groups or organizations 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).

- 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. Note: Consideration should also be given to any additional restrictions e.g. budget allocation and the production of relevant receipts or other evidence of expenditure.

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:

a) usual place of residence is within the relevant Council area and is located at least 30kms but less than 50km distance from their Council’s principal office, via the nearest route by road - $410 per annum

b) usual place of residence is within the relevant Council area and is located at least 50km but less than 75km distance from their Council’s principal office, via the nearest route by road - $700 per annum;

c) usual place of residence is within the relevant Council area and is located at least 75km but less that 100km distance from their Council’s principal office, via the nearest route by road - $1,050 per annum

d) usual place of residence is within the relevant Council area and is located 100km or more distance from their Council’s principal office, via the nearest route by road - $1,490 per annum;

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

Facilities and Support

In addition to allowances and the reimbursement of expenses, the LG 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).

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).

Pursuant to section 78 of the LG 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:

- Personal or lap top computers
- iPads
- business cards
- the supply of appropriate office supplies
- limited secretarial support, e.g. typing of delegates reports for Council meetings

The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the LG 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.

In addition, although not required by the LG 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 (whose name is detailed at the end of 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 LG Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the LG Act.
Other Reimbursements

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.

Register of Allowances and Benefits (template - Appendix 2)

Pursuant to section 79(1) and (2) of the LG 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 LG 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
(b) 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 LG Act are not required to be recorded in the Register.

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members. Accordingly, the Chief Executive Officer will update the Register each quarter and therefore each Council Member is required to provide his or her claim form for reimbursement to the Chief Executive Officer on the last business day of each quarter [or specify an alternative period prior to the end of the quarter].

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. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

Better Practice Tip – Annual Review/Audit

The Council needs to consider whether there should be an annual review mechanism built into the policy for the purpose of auditing reimbursement of claims made and benefits payable. A review mechanism demonstrates good accountability and transparency in terms of better governance practice.

For some suggested measures or processes such a review/audit should address the following:

- when the annual review/audit should be commenced: eg. September/October in each year
details of how the annual review would occur: eg. will all Council Members be audited at least once over during their term of office, but on an annual basis three (or some other number) are randomly selected, or would each Council Member be audited every year?

what would occur if there are inconsistencies found or a breach of this Policy: eg. will the matter be referred to the CEO in consultation with the Mayor, unless it concerns the Mayor, in which case the Deputy Principal Member?

Review and Evaluation

Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis. The correctness and effectiveness of this Policy will also be reviewed and evaluated at any time, if considered desirable.

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 Member's allowances, reimbursements and benefits for their term in office (section 77(2) LG Act).

Availability of the Council Members' Allowances and Benefits Policy

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website.

Any queries or questions regarding this Policy should be directed to the Chief Executive Officer by calling the Council Office> or by emailing council@franklinharbour.sa.gov.au>.
## Elected Members Personal Expenses Reimbursement Claim Form

**Name:**

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<thead>
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<th>Date of Purchase</th>
<th>Description of Purchase</th>
<th>Company/Person paid</th>
<th>Amount</th>
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Total amount to be reimbursed $ 

**Travel to:**

Reason for Travel

Distance Travelled

Total travel amount claimed Km'S @ 66c per Km. = $ 

**Signed (Elected Member):**

**Authorised:**

Date:

**Office Use Only**

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### Elected Members Allowances and Support Policy

**Version No:** 2.2  
**Issued:** Nov 2018  
**Next Review:** Nov 2022

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**Appendix 2**

- **Allowances and Benefits Register – Elected Members (example)**

#### Elected Members

**(Quarterly Register)**

<table>
<thead>
<tr>
<th>Allowance Paid Quarterly Section 76</th>
<th>Reimbursed Expenses: via the Council Policy or Specifically approved (cross reference to Council resolution) - Section 77 (1) (b)</th>
<th>Other Benefits paid or payable and Other Benefits provided</th>
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<tr>
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<td>Mayor</td>
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Before using a printed copy, verify that it is the current version.
### ELECTED MEMBERS ALLOWANCES AND SUPPORT POLICY

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<th>2.2</th>
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<td>8 December 2010</td>
</tr>
<tr>
<td>Reviewed and updated</td>
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<tr>
<td>Reviewed and updated</td>
<td>14 October 2015</td>
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<td>Reviewed and updated</td>
<td>14 November 2018</td>
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**SIGNED:**

Responsible Officer

Date: 16/11/2018

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