



**TATIARA DISTRICT COUNCIL**

# **ELECTED MEMBERS ALLOWANCES AND SUPPORT POLICY**

Version:	28
Last revised date:	9/11/2021
Minutes reference:	Agenda item 16.6, 9/11/21 Resolution # 2021/402
Next review date:	Council will endeavour to review this policy annually
Applicable Legislation:	Local Government Act 1999, s76, 77 & 78 Local Government (Members Allowances and Benefit) Regulations.
Related Policies:	
Related Procedures:	n/a
Other relevant documentation:	n/a

## Table of Contents

Introduction	3
Interpretation	3
The Support Policy	3
The Local Government Act 1999 (“the Act”)	4
The Principles	4
Roles and Responsibilities	4
Entitled Allowances and Reimbursements	5
Additional Reimbursement and Support	6
Expenses and Support Requiring Council Approval	9
Claims for Reimbursement	9
Register of Allowances and Benefits	10
Review and Evaluation	10
Availability of the Elected Members’ Allowances and Support Policy	10
Record of Amendments	10

## Introduction

- (1) The Local Government Act 1999 prescribes that all Elected Members are entitled to receive a general allowance, plus, in respect to attending Council and Committee meetings, reimbursement for expenses incurred in travelling within the Council area and for the care of a dependent.
- (2) The Act also makes provision for Council to resolve, on a discretionary basis, to reimburse Elected Members for a range of additional expenses, e.g. travel outside the Council area, attendance at conferences, or to be provided with support, e.g. computers, facsimile machines.

## Interpretation

**“Committee”** means a committee established by a council in terms of section 41 of the Local Government Act

**“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 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.

**“Prescribed Committee”** means a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- CEO Performance Review
- Corporate Services
- Finance
- Governance
- Infrastructure & Works
- Risk Management
- Strategic Planning & Development

## The Support Policy

- (1) Tatiara District Council will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable and transparent, and in accordance with the *Local Government Act 1999* and *Local Government (Members Allowances and Benefits) Regulations 2010* and the determination made by the Remuneration Tribunal of South Australia.
- (2) This policy summarises the provisions of the Act and Regulations in respect to Elected Members allowances, expenses and support, sets out the types of expenses and the circumstances in which those expenses will be reimbursed.
- (3) In setting this policy, Council took into consideration the overall support provided to Elected Members, i.e. annual allowances paid, expenses reimbursed and facilities/services provided pursuant to Sections 76, 77, and 78 of the Act.
- (4) The Elected Members allowances contained within this policy will be reviewed annually and the entire policy will lapse at the next general election of the Council.

### The Local Government Act 1999 (“the Act”)

- (1) Section 77(1)(b) of the Act provides that Council may approve the reimbursement of certain prescribed expenses incurred by Elected Members, either on an individual basis or under a policy adopted by Council. Regulation 6 sets out the types of expenses that may be reimbursed under Section 77(1)(b).
- (2) This policy has been developed and adopted in accordance with Section 77(1)(b) of the Act to specify the types of expenses that will be reimbursed without the specific approval of Council, and the process for Elected Members to obtain reimbursement of those expenses.

### The Principles

- (1) This policy is underpinned by the following principles:
  - (a) Elected Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
  - (b) Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
  - (c) Elected Members are entitled to receive:
    - (i) An annual allowance as provided in Section 76 of the Act and Regulation 4;
    - (ii) Reimbursement of prescribed travelling and child/dependent care expenses associated with attendance at Council/Committee meetings, pursuant to Section 77(1)(a) of the Act and Regulation 5.
  - (d) Council has also agreed to:
    - (i) Reimburse certain prescribed expenses pursuant to Section 77(1)(b) of the Act and Regulation 6;
    - (ii) Provide Elected Members with facilities and support to assist them in performing and discharging their functions and duties pursuant to Section 78 of the Act.

### Roles and Responsibilities

- (1) This policy will apply to the Mayor and all Elected Members.
- (2) The Chief Executive Officer is responsible for:
  - (a) Implementing expense reimbursement procedures in accordance with this policy;
  - (b) Maintaining a Register of Allowances and Benefits as prescribed in Section 79 of the Act and Regulation 7;
  - (c) Ensuring a copy of this policy is available for inspection and purchase by the public.

- (3) The Remuneration Tribunal of South Australia is responsible for:
- (a) Setting the Allowances to be paid to Elected Members as outlined in Section 76 of the Act.
  - (b) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index. An allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar).

### Entitled Allowances and Reimbursements

(1) Allowances

- (a) Elected Members are entitled to receive the following annual allowances as from 12 November 2023 pursuant to Section 76 of the Act to help cover the cost of performing and discharging their official functions and duties:
  - Elected Members **\$16,288** per annum paid monthly in arrears
  - Mayor **\$65,152** per annum paid monthly in arrears
  - Deputy **Mayor \$20,360** per annum paid monthly in arrears
  - Standing Committee Chairs **\$20,360** per annum paid monthly in arrears
    - The Mayor's allowance is to be 4 times that of a Councillor.
    - The deputy mayor or an Elected 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 Elected Members of that Council.
    - An additional allowance in the form of a sitting fee of \$199 per meeting to a yearly maximum of \$1,196 is also payable for Elected Members who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).
- (b) An Elected Member, other than the Principal Member, whose usual place of residence is more than 30kms and less than 50 kms from the Council office via the nearest route by road will be paid a Travel Time payment of \$481 per annum. A travel time payment of \$821 is available to a councillor if they live at least 50 kms from the Council office via the nearest route by road.

If eligible, this payment is made to a Council Member in addition to any entitlement to reimbursement of expenses incurred
- (c) In setting these allowances, the Tribunal took the following factors into consideration:
  - i) the role of members of council as members of the council's governing body and as representatives of their area;
  - ii) the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
  - iii) such an allowance is not intended to amount to a salary for a member;
  - iv) such an allowance should reflect the nature of a member's office;

- v) the Act's provisions to provide for the reimbursement of expenses of members.

(2) Leave of Absence

- (a) Any Elected Member granted leave of absence from Council for up to three months, shall receive their appropriate members allowance.
- (b) Any Elected Member granted leave of absence from Council for a period greater than three months, shall not receive their members allowance for the period that exceeds three months.
- (c) Any Elected Member appointed as Acting Mayor, Acting Deputy Mayor or major Committee Chairman during the leave of absence granted by Council, shall receive the applicable allowance of the Mayor or Deputy Mayor or major Committee Chairman for the period of leave of absence in lieu of the Councillor allowance.

(3) Travel and Dependent Care

- (a) In addition to any allowance paid under Section 76 of the Act, Elected Members are entitled to receive reimbursement for travelling **within** the area of Council and dependent care expenses associated with attendance at Council and Committee meetings pursuant to Section 77(1) (a) of the Act as detailed below:
  - (i) Reimbursement is restricted to 'eligible journeys' (as defined in Regulation 3) by the shortest or most practicable route and to the part of the journey **within** the Council area. Elected Members who live outside the Council boundary are only eligible for travel from the boundary to the place of the meeting.
  - (ii) Any traveling *outside* the Council area in order to attend Council activities is provided by this policy under "Additional Reimbursement and Support".
  - (iii) Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed in Section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth. 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.
  - (iv) Child/dependent care expenses are not reimbursed if the care is provided by a relative of the Member who ordinarily resides with the Member. A definition of "relative" is contained in Section 4 of the Act.

**Additional Reimbursement and Support**

- (1) Pursuant to Section 77(1)(b) of the Act, Council also approves the reimbursement of expenses and support to Elected Members as described below:

(2) Travelling Expenses

- (a) In addition to eligible journeys (as defined in Regulation 3), Elected Members are entitled to receive reimbursement for expenses actually and necessarily incurred in travelling to a function or activity on the business of Council. The following conditions apply to these expenses:
- (i) Travel both within and outside the Council area must be incurred by the Elected Member 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 Chairman 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; 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 of local representative, as the Elected Members allowances provides for this).
  - (ii) Travel related to attendance at any of the above types of functions will be paid at the rates declared by the Australian Taxation Office.
  - (iii) Reimbursement is restricted to the shortest or most practicable route.
  - (iv) Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses 'actually and necessarily incurred', but is still limited to the shortest or most practicable route.
  - (v) Costs incurred in attending any function or activity on the business of Council, outside the Council area is required to be approved by Council, the Mayor or the CEO.

(3) Use of Council Vehicles

Council will provide the Mayor with a vehicle for Council use under the following conditions:

- Conditions (a) to (g) as listed below; plus,
- The Mayor is responsible for ensuring that the vehicle is correctly serviced, cleaned and maintained.

Elected Members are encouraged to use one of Council's sedans, if available, when attending meetings or functions on behalf of Council. Council committee members when attending meetings or functions on behalf of Council may also use these vehicles. Council's Manager Corporate & Community Services is the contact person to arrange a vehicle.

Conditions of use of these vehicles are outlined in Council's Vehicle Use Policy which includes the following clauses:

- (a) Drivers must have a current and appropriate Driving Licence.
- (b) As the main use of the vehicle is to be Council business the Council shall meet all costs related to the use of the vehicle.
- (c) The vehicle may be driven by other members of the public but only whilst the council representative is in the vehicle or whilst that person is assisting the Council representative to carry out Council business.

- (d) Should the Council incur any penalty other than the normal insurance excess on any insurance claim as a result of any illegal action whilst the vehicle is being used, the cost of such penalty shall be borne by that Council representative.
- (e) Smoking is prohibited in the vehicle.
- (f) The driver shall pay for speeding fines and any other traffic violations, which incur a penalty.
- (g) The vehicle shall be used in a manner, which complies with the manufacturers specification (e.g. maximum load, weight of towed vehicles etc.).

**(4) Other Expenses**

- (a) Pursuant to Section 77 (1) (b) of the Act Council approves reimbursement of:
  - (i) Expenses incurred for the care of a child of the Elected Member or a dependent of the Member requiring full time care as a consequence of the Member's attendance at a function or activity on the business of Council.
  - (ii) Expenses incurred by the Member as a consequence of the Elected 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 Member. Expenses will only be reimbursed for attendance at conferences, seminars, etc. which have been approved by Council or under delegation/policy, e.g. under Council's "Elected Member Training and Development Policy". The following types of expenses will be reimbursed - airfares, registration fees, accommodation, meals, taxi fares, car parking, and incidentals.
  - (iii) Monies spent on meals and accommodation will be as outlined in Council's "Travel and Accommodation Policy".

**(5) Facilities and Support**

Pursuant to Section 78 of the Act, Council resolves to make available to Elected Members the following facilities and support to assist them in performing or discharging their official functions and duties:

- (i) Phone Allowance - Council will:
  - Provide the Mayor with a mobile phone for all Council business purposes and Council will meet the cost of the purchase and maintenance and will pay for a \$60 per month plan. Costs over that amount to be reimbursed to Council by the Mayor
- (ii) Computer Access – Council will:
  - Supply an appropriate electronic device as approved by Council; (currently iPad and associated accessories).
  - Supply a Council e-mail address
  - Provide a level of information technology support to assist Members to use electronic devices in an effective manner
  - Pay for the cost of internet access to the iPad via wireless. If members are unable to receive adequate coverage to receive a wireless internet connection, Council will pay the member an allowance of \$300 per year for alternative ADSL or Satellite connection.



- (iii) Council will also supply:
  - A reasonable supply of business cards
  - Access to meeting rooms as appropriate at any of Council Offices
- (iv) The Mayor is authorised to use a Credit Card to be charged to Tatiara District Council for the procurement of goods and services on behalf of Council, with terms and conditions to ensure adequate internal control.

These facilities and services are made available on the following basis:

- Additional allowances will be paid on a monthly basis as per the member's allowance
- they are necessary or expedient for the Member to perform or discharge his/her official functions or duties,
- the facilities remain the property of Council and will not be used for a purpose unrelated to official functions and duties unless Council has approved the use.

### **Expenses and Support Requiring Council Approval**

- (1) All other expenses reimbursements and support not detailed above will require approval by Council on a case-by-case basis. If at all possible approval should be sought prior to the expense being incurred. This will ensure that Elected Members are aware of any potential financial implications prior to the event.

### **Claims for Reimbursement**

- (1) Members are entitled to reimbursement for certain expenses actually and necessarily incurred by a member in attending meetings of Council, its Committees or other functions, or activities which the member has been authorised by the Council to attend on the business of the Council.
- (2) In order to encourage Elected Members to undertake appropriate training regarding their roles, responsibilities and procedures of Council, it is Council Policy to generally pay the full course costs (including the course fee, accommodation, meals and travel, if applicable) subject to:
  - (a) The course being a relevant training course and approved by the Mayor and;
  - (b) Within the budget provision for such purpose.
- (3) In regard to training courses outside of the State, Council will meet the cost of the course fee only, to a maximum of \$1,000 per Member, per year, subject to:
  - (a) The course being relevant and approved by the Mayor, and;
  - (b) Within the budget provision for such purpose.
- (4) Any circumstance outside of the above policy is to be referred to Council for specific approval.
- (5) Elected Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. Procedures have been established which require evidence of expenses incurred to support reimbursements claimed. Details are not required of expenses paid out of the Elected Member's

allowance. All claims for reimbursement must be submitted to the Chief Executive Officer (or other delegated officer) on the forms provided for this purpose.

### **Register of Allowances and Benefits**

- (1) Pursuant to Section 79 of the Act, the Chief Executive Officer will maintain a record of the annual allowances paid to Elected Members under Section 76 of the Act, any expenses reimbursed to a Member under Section 77(1)(b) of the Act and any other benefits paid or provided to a Member, with the exception of reimbursements paid under Section 77(1)(a) of the Act.

### **Review and Evaluation**

- (1) Elected Member allowances will be adjusted annually. The effectiveness of the Policy will be reviewed and evaluated annually.
- (2) This entire policy will lapse at the next General Election.

### **Availability of the Elected Members' Allowances and Support Policy**

This Policy will be available for inspection:

- at Council's Bordertown and Keith offices during ordinary business hours.
- On Council's web site [www.tatiara.sa.gov.au](http://www.tatiara.sa.gov.au)

### **Record of Amendments**

<b>Date</b>	<b>Revision No</b>	<b>Reason For Amendment</b>
2 May 2000	Rev: 00	Original Issue – A&F Res No: 800
6 June 2000	Rev: 01	Councillors' Allowances amended (see page 3) Council Res No's: 3, 4, 5 & 6
11 July 2000	Rev: 02	Clause 7 – Additional Reimbursement and Support amended to rates declared by the ATO – Council Res No: 44
8 May 2001	Rev: 03	Councillors' Allowances amended (see page 5) Council Res No's: 260, 261, 262, 263 & 283
15 January 2002	Rev: 04	Expenses and Support Requiring Council Approval amended (see page 8)
14 January 2003	Rev 05	Updated policy to reflect Annual Members Allowances increased effective 7 <sup>th</sup> May 2002 at a Special Council Meeting
20 May 2003	Rev 06	Readopted after periodical election as per Sec 77 of LG Act
14 October 2003	Rev 07	Addition re Councillors use of Council cars
11 May 2004	Rev 08	Yearly Review - altered
10 May 2005	Rev 09	Yearly Review – altered to account for increase in Councillors allowances
21 November 2006	Rev 10	Readopted after General Election
13 November 2007	Rev 11	Yearly Review – increases in Annual Member Allowances & Meal Allowance
11 November 2008	Rev 12	Yearly Review – increases in Annual Member Allowances and reference to Council's new Travel & Accommodation Policy
10 November 2009	Rev 13	Yearly Review – increases in Annual Member Allowances, change Chairman to Mayor
23 November 2010	Rev 14	Readopted after General Election. Allowances now set by Remuneration Tribunal Councillors allowances to be paid monthly instead of quarterly

8 November 2011	Rev 15	Yearly Review – allowances increased as per Remuneration Tribunal ruling.
13 November 2012	Rev 16	Yearly Review – allowances increased as per Remuneration Tribunal ruling.
11 December 2012	Rev 17	Included additional allowances to be paid relating to phone and internet use
12 November 2013	Rev 18	Yearly Review – allowances increased as per Remuneration Tribunal ruling. Ref to policy being available on Council's web site
25 November 2014	Rev 19	Reviewed and readopted after General Election.
8 December 2015	Rev 20	Reviewed and updated - allowances increased as per Remuneration Tribunal ruling.
13 December 2016	Rev 21	Reviewed and updated - allowances increased as per Remuneration Tribunal ruling.
13 February 2018	Rev 22	Reviewed and updated - allowances increased as per Remuneration Tribunal ruling.
20 November 2018	Rev 23	Reviewed and updated - allowances increased as per Remuneration Tribunal ruling – dated 30 August 2018
12 November 2019	Rev 24	Reviewed and updated - allowances increased as per Remuneration Tribunal
10 November 2020	Rev 25	Reviewed and updated - allowances increased as per Remuneration Tribunal
9 November 2021	Rev 26	Reviewed and updated - allowances increased as per Remuneration Tribunal
29 November 2022	Rev 27	Reviewed and updated after General Election.
14 November 2023	Rev 28	Reviewed and updated - allowances increased as per Remuneration Tribunal