DISTRICT COUNCIL OF Streaky Bay
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ELECTED MEMBERS ALLOWANCES AND SUPPORT POLICY

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Strategic Plan link:
A Council that is actively responsive to community needs and delivers financial sustainability, governance and leadership.

References and related Policies, Procedures and Forms:
Local Government Act 1999
Local Government (Financial Management) Regulations 2011
DCSB-FM-07-05 Procurement Policy
DCSB-G-09.01 Code of Conduct for Elected Member
DCSB-HR-12.02 Code of Conduct for Council Employees
DCSB-SM-18.01 Risk Management Policy
DCSB-HR-12.03 Fair Treatment Policy
DCSB-G-09.11 Public Interest Disclosure Policy
DCSB-G-09.03 Internal Review of a Council Decision Policy
DCSB-HR-12.09 Performance and Development Policy
DCSB-CR-02.01 Customer Complaints Policy
DCSB-G-09.08 Fraud, Corruption, Misconduct and Maladministration Prevention Policy
DCSB-HR-12.20 Travel and Accommodation Policy
Employees Gifts and Benefits Register
Elected Members Gifts and Benefits Register
Register of Allowances and Benefits
DCSB 07 Form 20 – Travel and Expenses Claim – Elected member
DCSB 12 Form 49 – Key and Personal Equipment Issue/Return Form

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1. Introduction

1.1 The District Council of Streaky Bay 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").

1.2 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.

1.3 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) 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 services, delivery, under review;

(viii) to ensure, as far as 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.

1.4 Election 58 of the Local Government Act specifies the role of the Principal Member as leader of the Council is to:

(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 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 the principal member.

1.5 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.

1.6 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 compliant with the Local Government Act 1999 and Local Government (Members Allowances and Benefits) Regulations 2010.

3. Scope and Responsibilities

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

3.2 The Council's Chief Executive Officer has the duty 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 ("ÇPI")), and

(c) ensure copies of this Policy are available for inspection by the public at the principal office of the Council.

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

(a) implementing and monitoring expense reimbursement procedures in accordance with the LG 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

This policy is underpinned by the following principles:

- Elected Members should not be out-of-pocket as result of performing and discharging their Council functions and duties.
- To assist Elected 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 Elected Members must be expenses actually and necessarily incurred in performing and discharging their official Council functions and duties, which will be assessed according to the role of an Elected Member under the LG Act.
- Council encourages continued professional training and development for Elected 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 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 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.

5.3 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 District Council of Streaky Bay has been identified as falling within Group 5 in the current Remuneration Tribunal Determination, with an initial council member annual allowance of $7,192.00.

5.4 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;

5.5 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 Mayors, Deputy Mayors or presiding members of prescribed committees).

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 of 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 The District Council of Streaky Bay Council Member Allowances will be paid quarterly in arrears by electronic funds transfer to a nominated bank account

5.9 A statement of earnings will be provided to Council Members at the conclusion of each financial year.

Note: A member of a council who holds office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period (section 76(11) of the LG Act).

5.10 An allowance under this section is to be paid in accordance with any requirement set out in the Regulations (unless the member declines to accept payment of an allowance section 76(12) of the LG Act).

5.11 Council Members finishing their term of office should receive their allowances until their term expires – this is at the conclusion of the elections (i.e. when the Electoral Commissioner of South Australia makes the final declaration of the results of the elections).

5.12 Following a periodic election the allowance will take effect, as specified under section 76(8) of the LG Act, from the date of the first ordinary meeting of the "new" Council.

Note: *(76 91) 'Subject to this section, a Member of Council is entitled to the allowance determined by the Remuneration Tribunal in relation to the Members Office and indexed annually in accordance with this section*.'

6. Leave of absence – council member contesting election

If a Council Members stands as a candidate for election as a member of State Parliament, section 55A of the Local Government Act automatically grants a leave of absence from the date on which nominations for the relevant election close until the result of the election is publicly declared.

During the leave of absence period the Council Member;

- is not entitled to receive any Council Member allowance or reimbursement of expenses;
- must not use any facility, service or other form of support provided by the Council; and
- must not carry our any function or duty as a Council Member.

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

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

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 LG Act).

7.2 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:

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 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 "Additional Re-imbursement and Support" 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 prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.

7.7 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 practical 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.

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

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

8.2 To receive reimbursement for such prescribed expenses (travel and child/dependent care) each Council Member is required to complete a DCSB 07 Form 20 – Travel and Expenses Claim Form and submit it to the Chief Executive Officer. For the purposes of administrative efficiency Council Members are requested to submit these forms on a 3 monthly basis.

9. Additional expense reimbursements – (Section 77(1)(b))

9.1 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 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.

9.2 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:

(a) 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;

(b) 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);

(c) 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;

(d) 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

(iii) 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 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).

9.3 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.

9.3.1 Travel

Elected Members are entitled to receive reimbursement for expenses incurred in travelling to a function or activity on the business of Council. The following conditions apply to these expenses

- 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 Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies, official visits, training etc.; inspection of sites within the Council area which relate to Council or Committee agenda items; attendance at meetings of community groups and organizations when fulfilling the role of Council representative, - but not to attend meetings of community groups or organisations 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 practical route.

- Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre prescribed for the purpose 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 an Elected Member attending a function or activity on the business of Council).

- Travel by 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 undertaken in the most efficient method by the Councillor and Council Member.

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 their Council's principal office, via the nearest route by road - $ 454 per annum;

b) at least 50km but less than 75km distance from their Council's principal office, via the nearest route by road - $ 775 per annum;

c) least 75km but less than 100km distance from their Council's principal office, via the nearest route by road - $1,162 per annum;

d) located 100km or more distance from their Council's principal office, via the nearest route by road - $1,649 per annum;

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

9.3.3 Care and Other Expenses

Pursuant to Section 77(1)(b) of the Local Government Act 1999 the Council approves reimbursement of:

- Expenses incurred for the care of a child of a Council Member or a 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 expenses for which the Member is reimbursed under section 77 (1)(a) of the LG Act).

- Expenses incurred 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 Member is reimbursed under section 77(1)(a) of the LG Act). 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 "Council Member Training and Development Policy". Where attendance at the conference, seminar etc is approved the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals.

- Expenses incurred in the use of internet or other communication device on the business of the Council, e.g. Internet connection costs for iPad, applications for iPad.

10. Facilities and Support

10.1 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).

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 Local Government 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 duties:

- A Council email address
- A level of information technology support to assist Council Members to use electronic devices in an effective manner.
- Access to meeting rooms as appropriate at any of the Council's Facilities.

10.4 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.

10.5 Council has resolved to make available to all Council Members the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- An iPad and phone has been made available to the Mayor.

- the 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.

11. Expenses and Support Requiring Council Approval

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

12. Claims for Reimbursement (excluding mandatory payments)

12.1 To received reimbursements for expenses, each Council Member is required to:

- Provide details of kilometres and/or evidence of expenses incurred to support all reimbursements claimed.
- Submit all claims for reimbursement to the Chief Executive Officer on the DCSB -07 Form 20 DCSB 07 Form 20 - Travel and Expenses Claim provided for this purpose, on the last business day of each quarter – March, June, September and December, for the purposes of maintaining the Register of Allowances and Benefits.

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

13. Register of Allowances and Benefits

13.1 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

(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).

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

13.3 The Chief Executive Officer will update the Register each quarter.

14. Review and Evaluation

The effectiveness of the policy will be reviewed and evaluated annually. The Chief Executive Officer will report to Council on the outcome of the evaluation, and make recommendations for amendment, alteration or substitution of a new Policy. Council has the right to review this policy at any time, if considered desirable.

This Policy however 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).

15. Records Management

All records shall be kept and disposed of in accordance with Councils Records Management Policy & procedure and the current General Disposal Schedule.

14. Further Information and Policy Availability

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.streakybay.sa.gov.au

District Council of Streaky Bay
29 Alfred Terrace
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

15. Document History

Version No	Issue Date	Description of Chang:	Date Endorsed
1.00	19 July 2023	First Version	15 August 2023