



COUNCIL POLICY

Elected Member Allowances and Benefits

Policy Number:	PO089		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Director Corporate and Community Services	Record Number:	16/6361[v9]
Responsible Officer:	Manager Financial Services	Minute Reference:	252/2023
Date Adopted:	08/11/2023	Next Review Date:	November 2026

1. POLICY OBJECTIVES

The Yorke Peninsula Council (Council) will ensure that the payment of Elected Members' allowances, the reimbursements of expenses and the provision of benefits by Council is accountable and transparent and in accordance with the Local Government Act 1999 (Act) and the Local Government (Members Allowances and Benefits) Regulations 2010 (Regulations).

This policy sets out the provisions of the Act and Regulations in respect of Elected Member allowances, expenses, benefits, the provision of facilities and support to ensure consistency and legislative compliance. This Policy also specifies, in accordance with Section 77(1)(b) of the Act, the types of expenses that will be reimbursed without the need for specific Council approval every time a claim is made.

2. SCOPE

This policy applies to all Elected Members, including the Mayor of Council.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

4.1. Policy Principles

- Elected Members should not be out of pocket as a result of performing and discharging their Council functions/duties.
- To assist Elected Members in performing or discharging their official functions and duties they are entitled to a range of necessary facilities, services and support and to be reimbursed for expenses as specified in this policy.
- Elected Members expenses, reimbursements, facilities, services and support must be actually and necessarily incurred in performance and discharge of their official

functions/duties, which will be assessed in accordance with their defined role in the Act.

- Continued professional training and development for Elected Members.
- Accountability to the community for the use of public monies.

4.2. Allowances

- Elected Member allowances are determined by the Remuneration Tribunal on a four-yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999. Council falls within Group 3 in the current Remuneration Tribunal Determination with an initial Elected Member allowance of \$15,381.
- The allowance for the Mayor is equal to four (4) times the annual allowance for Elected Members.
- Deputy Mayor or Deputy Chairperson 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 allowance for Elected Members. The level of allowance is payable at a maximum of one and a quarter times only once and does not multiply for each of the qualifying criteria.
- An allowance determined by the Tribunal will take effect from the conclusion of the relevant periodic election. Elected 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 (All groups index for Adelaide) as published by the Australia Bureau of Statistics.
- Council has determined that these allowances be paid quarterly in arrears starting from the election date. Payments are made to Elected Members on or before the 23rd day of February, May, August and November. The allowance paid to the Mayor is paid monthly in advance.
- An additional allowance, in the form of a sitting fee, is also payable for Elected Members who are Chairpersons of other Council committees (who are not a deputy mayor or presiding member of a prescribed committee that is required by legislation) in accordance with the Determination of the Remuneration Tribunal Allowances for Members of Local Government Councils. An allowance of \$188 per meeting limited to an aggregate amount of \$1,129 per annum.
- An allowance under this section is to be paid in accordance with any requirement set out in the Regulations (unless the Elected Member declines to accept payment of an allowance in accordance with section 76(12) of the Act).
- A statement of earnings will be provided upon request to Elected Members at the conclusion of each financial year.

4.3. Mandatory Reimbursements (Section 77(1)(a))

- Elected Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Elected Member for travel within the Council area and associated with attendance at a 'prescribed meeting'.
- Elected Members are entitled to reimbursements for child/dependant care expenses actually or necessarily incurred by the Elected Member as a consequence of the Elected 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 Elected member.

4.4. Council Approved Reimbursements (under Section 77(1)(b))

The additional prescribed expenses incurred by Elected Members, which do not fall within the categories of allowances or mandatory reimbursements outlined above, but which have been approved by Council for reimbursement under section 77(1)(b) of the Act are as follows:

- Reasonable travelling expenses incurred by Elected Members both within and outside the Council area as a consequence of the Elected Member's attendance at a function or activity on the business of Council other than for which the Member is reimbursed under section 77(1)(a).
- Travelling expenses incurred where the Member has been invited or officially appointed as Council's delegate or as a representative of Council.
- A travel time allowance is provided for Elected Members (excluding the Mayor) of non-metropolitan Councils in relation to the distance between the Elected Member's usual place of residence within the Council area and the Council's principal office at Maitland, via the most direct route by road. This allowance is in addition to any expense reimbursement.
- Expenses incurred for accommodation costs where Elected Members are attending approved meetings, conferences, seminars, training courses or similar activity. The nightly limits for accommodation are:

City	Maximum Limit per person
Adelaide	\$235.00
Brisbane	\$257.00
Canberra	\$246.00
Darwin	\$293.00
Hobart	\$235.00
Melbourne	\$265.00
Perth	\$265.00
Sydney	\$265.00
Rural	Refer to the ATO guidelines at the time
International	Refer to the ATO guidelines at the time

- Expenses for meals and refreshments where Elected Members are attending approved meetings, conferences and seminars where meals are not provided. The maximum daily limits for meals are:

Breakfast:	\$35.00
Lunch:	\$40.00
Dinner:	\$60.00

(These limits are roughly based on the guidelines set out in the ATO's Taxation Determination TD2023/3 and should be reviewed annually).

Please note: the limits above apply per item, per day and these items cannot be aggregated to enable an overspend on an individual item(s) due to underspend on another individual item(s). For example: spending \$10 on breakfast plus \$10 on lunch does not entitle a person to claim a dinner limit of \$105.

- Elected Members are to make a reasonable attempt to use Council vehicles as a priority when undertaking official functions/duties or car pool with other Elected Members/staff utilising Council vehicles.
- Whilst travelling on Council business, the driver is personally responsible for all traffic infringement notices or parking fines incurred.

To ensure that Elected Members remain accountable to the community for the use of public monies, the following types of allowances and expenditure is **not** considered appropriate:

- Providing gifts to Elected Members for special occasions or service recognition (for example birthdays, Christmas and other occasional gifts).
- Non business related expenses include, but are not limited to:
 - Mini bar;
 - In-house movies;
 - Valet parking (unless there are no other cheaper parking alternatives available);
 - Travel expenses incurred during any personal element of a business trip (i.e. trip has been approved and extended to allow for some personal leave on either side of the trip); and
 - Meals, accommodation and other incidental expenses incurred by 'other people' not associated with Council or relevant to the business portion of the trip (i.e. a partner joins you for all or part of the trip).

4.5. Process for Approval, Booking and Reimbursement

- All travel and accommodation that incurs expenses must be approved prior to the travel/accommodation being booked and/or undertaken. The Chief Executive Officer (CEO) must approve all intrastate travel. Council must approve all interstate and international travel taking into account PO135 Elected Members Training and Development Policy for training/development requests.
- All approved travel/accommodation must be booked through the EA to the CEO and Mayor, who will ensure that the travel is booked in an economical manner.
- If suitable accommodation is unable to be sourced through the EA to the CEO and Mayor within the rate limits, approval will be sought from the CEO to book higher priced accommodation with the reasons/rationale documented. If an Elected Member decides to stay at a higher priced establishment without the approval of the CEO, then they are responsible for those extra costs, Council should not be charged for these additional costs.
- Airline tickets are not transferable and cannot be used to offset any other costs, including the cost of other persons accompanying the Elected Member.
- Elected Members intending to claim travel reimbursement, must complete and sign Council's SF095 Elected Members Expense Reimbursement Form. Elected Members are responsible for submitting these claims and they must be received by the EA to the CEO and Mayor for processing each quarter, to tie in with budget and budget review requirements.
- Where appropriate, reimbursements must be supported by a tax invoice/receipt that meets ATO requirements. These requirements are outlined below:

1. The receipt is intended to be a tax invoice – i.e. it should have the words Tax Invoice printed on the document.
2. The supplier's identity is clear.
3. The supplier's Australian Business Number (ABN) is clear.
4. The date the invoice was issued is clear.
5. A brief description of the items or services sold, including the quantity (if applicable) and the price.
6. The GST amount (if any) payable, this can be shown separately, or, if the GST amount is exactly one eleventh of the total price, a statement such as 'total price includes GST' is acceptable.
7. The extent to which each sale on the invoice is a taxable sale (that is, the extent to which each sale includes GST).
8. For sale amounts over \$1,000, Council's identity and/or ABN should be reflected on the invoice.
9. If the supplier is not registered for GST, such as a charity or overseas supplier, then a general receipt outlining date, supplier's identity, purpose and amount is sufficient. EFTPOS receipts are not acceptable as a tax invoice. Unclaimed travel expenses cannot be offset against some other expense or facility.

4.6. Facilities, Services and Support

In addition to allowances and the reimbursement of expenses, Council have determined the following facilities, services and forms of support are appropriate for use by Elected Members, to assist them to perform or discharge their official functions and duties (pursuant to Section 78 of the Act):

- Information Technology services and equipment including a personal computing device and associated software; electronic communications services (email and internet access); and technical and maintenance support.
- Meals and refreshments where appropriate whilst attending Council meetings, Council committee meetings, briefings, training and workshops.
- Name badge.
- Council business cards.
- Insurance – Section 80 of the Act requires that Council insures its Elected Members against risk associated with the performance or discharge of their official duties. Elected Members and their partners/spouses are covered under the following Council insurance policies while engaged in or on any activity directly or indirectly connected with or on behalf of Council, travelling to and from such activity (cover is subject to policy limitations and applicable excess(s)):
 - Journey and Personal Accident Insurance – provides cover for Elected Members (and their accompanying partners/spouse) Civil Liability.

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

- A suitable Council owned and maintained vehicle to be used to undertake official Council functions/duties, including to attend functions and other meetings. Council acknowledges the geographical area of the Yorke Peninsula will involve incidental,

minor, infrequent and irregular limited private use of the Council vehicle within South Australia when on Council business.

- A mobile phone.
- Office space.
- Provision of executive clerical support.
- Provision of media and communications support.

The provision of these facilities, services and support will be made available to all Elected Members, including the Mayor, on the following basis:

- Such provision is necessary or expedient for the Elected Member to perform their official functions/duties.
- The facilities remain the Council's property regardless of whether they are used off site or not, and will be returned to Council at the end of each term in office.
- Each Elected Member is solely responsible for those facilities released into their care/control for the duration of their term in office – if the facility is damaged or lost, the Elected Member should provide a written report to the CEO.
- They are not to be used for a private purpose or any other purpose unrelated to the official Council functions and duties, unless such usage has been specifically pre-approved by the Council and the Elected Member has agreed to reimburse Council for any additional cost or expenses associated with that usage.
- These facilities or services must not be used for campaign or election purposes.

4.7. Register of Allowances and Benefits

Pursuant to Section 79(1) and (2) of the Act, the CEO must maintain a Register (R003 Elected Members Allowances and Benefits Register) to ensure on a quarterly basis that a record is kept of:

- The annual allowance payable to an Elected Member.
- Any expenses reimbursed under Section 77(1)(b).
- Other benefits paid or provided for the benefit of the Elected Member by the Council.
- Any changes in the allowance or benefit payable to or provided for the benefit of Elected Members.
- Provisions of a reimbursement of benefit not previously recorded in the register.
- The mandatory travel and care reimbursements paid under Section 77(1)(a) of the Act are not required to be recorded in the register, however to provide full transparency these amounts are included.

The register is available on Council's website or for inspection, free of charge, at Council's offices. Copies or extracts of the Register are available for purchase upon payment of a fixed fee (as detailed in Council's Fees and Charges Register).

5. COMPLAINTS

Complaints about this policy or non-compliance with this policy can be made in writing to the CEO. Complaints will be managed in accordance with Council's Complaints Policy (PO147).

6. REVIEW

This policy will lapse at a general election at which time the newly elected Council will be required to adopt a policy dealing with Elected Member allowances, reimbursements and benefits for their term in office at the Inaugural Council Meeting. The policy will also be reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports, audit findings and stakeholder feedback.

7. TRAINING

Elected Members are provided with appropriate training to enable them to meet the requirements of this policy. Training needs will be reviewed annually as part of Council's Elected Member Training Plan and as necessary in consideration of any changes to legislation and relevant standards, codes, guidelines and audit findings.

8. RECORDS

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO015 Access to Council and committee Meetings and Documents Code of Practice

PO091 Risk Management Policy

PO088 Elected Members Use of Council Supplied Electronic Equipment Policy

PO135 Elected Members Training and Development Policy

PO138 Caretaker Policy

PO147 Complaints Policy

PR148 Code of Conduct for Council Members Complaints

PO156 Internal Financial Control

R003 Elected Members Allowances and Benefits Register

SF095 Elected Members Expense Reimbursement Form

10. REFERENCES AND LEGISLATION

Local Government Act 1999

Local Government (Elections) Act 1999

Statutes Amendment (Local Government Review) Act 2021

Independent Commission Against Corruption Act 2012

Ombudsman Act 1972

Public Interest Disclosure Act 2018

Public Interest Disclosure Regulations 2019

Commonwealth Income Tax Assessment Act 1997

Freedom of Information Act 1991

Determination of the Remuneration Tribunal Allowances for Members of Local Government Councils

ATO's Taxation Determination

Behavioural Standards for Council Members

Local Government Equip Model Council Members' Allowances and Benefits Policy

Local Government (Member Allowance and Benefits) Regulations 2010

11. COUNCIL DELEGATION

Any applicable delegations are available on Councils website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>

12. VERSION HISTORY

Version No	Issue Date	Description of Change
1	08/05/2013	Revised and Updated
2	13/05/2015	Revised and Updated
3	13/07/2016	Revised and Updated
4	14/12/2016	Revised and Updated
5	13/02/2019	Revised and Updated
6	08/09/2021	Legislative Update
7	09/03/2022	Legislative Update
8	14/12/2022	Legislative Update
9	8/11/2023	Minor Revision

ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
ABN	Australian Business Number
ATO	Australian Taxation Office
CEO	Chief Executive Officer
Dependant	A dependant of the Elected Member requiring full time care
EA to CEO and Mayor	Executive Assistant to the CEO and Mayor
Council functions/duties	In accordance with the Elected Member role as defined within the Act and includes, but is not limited to, attendance at Council functions e.g. Mayoral functions, citizenship ceremonies, meetings of community groups, official visits and organisations as an appointed delegate of Council (but not to attend meetings of community groups, individuals or organisations when fulfilling the role of a local representative)
Prescribed meeting	A meeting of the Council or Council Committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly related to the performance or discharge of the roles or duties of the member (section 77(1)(a) of the Act)