

	26.04.02 – COUNCIL MEMBER ALLOWANCES & BENEFITS	Version No:	1.1
		Issued:	September 2012
		Next Review:	March 2015

Responsibility:	Governance
Minutes reference:	C482 (2)(a)
Applicable Legislation:	<i>Local Government Act 1999, Sec 77</i>
Related Policies/Procedures:	Code of Conduct – Members 28.01.02 – Training, Elected Members

1. INTRODUCTION

This policy has been developed and adopted primarily to accommodate section 77(1)(b) of the *Local Government Act 1999* by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made. It outlines the process and procedure for Council Members to obtain reimbursement of those expenses. In addition, this policy covers payment of annual allowances to Council Members, the provision of facilities and support and the basis on which these are made available.

The District Council of Lower Eyre Peninsula will ensure that the payment of Council Member allowances, the reimbursement of expenses, and the provision of facilities and support is accountable and transparent, and in accordance with Chapter 5, Part 5 of the *Local Government Act 1999* (“the LG Act”) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (“the Regulations”).

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:

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

This policy summarises the provisions of the LG Act and Regulations in respect to Council Members’ allowances, the provision of facilities and support, reimbursement of the different types of expenses, the circumstances in which those expenses will be or can be reimbursed and what benefits Council Members receive that must be recorded for the purposes of maintaining the Register of Allowances and Benefits.

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* (s.76 LG Act).

An allowance determined by the Remuneration Tribunal will, take effect from the first ordinary meeting of the Council held after 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.

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2. POLICY PURPOSE

- To permit expense re-imburement without the need for special approval of Council on every occasion
- To set out process for payment of member annual allowances
- To set out provision of facilities and support to Members

3. PRINCIPLES

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.

4. ROLES AND RESPONSIBILITIES

This policy applies to all Members of the Council, who have an obligation to follow the process and procedure set by this policy.

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

1. Maintain the Register of Allowances and Benefits;
2. Initiate a 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). For the purposes of section 76(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the CPI for the September quarter last occurring before the date on which the allowance is to be adjusted by the CPI 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).; and
3. Ensure copies of this policy are available for inspection and purchase by the public at the principal office of the Council.

(continued):

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4. ROLES AND RESPONSIBILITIES cont'd:

In addition, the Chief Executive Officer is responsible for:

4. Implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations and this policy; and
5. Ensuring a copy of this policy is provided to all Council Members.

5. DEFINITIONS

5.1 Prescribed Meeting

- Council or committee meeting
- Informal gathering, discussion, workshop, briefing or training course

5.2 Eligible Journey

- A journey between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting

5.3 Function or Activity of Council

Includes but is not limited to:

- Mayoral reception
- Opening ceremony
- Dinners
- Citizenship Ceremonies
- Official visits
- Site inspection (Council or Council Committee related)
- Community Groups & organisations as an appointed Council representative

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6. ALLOWANCES

Council Members are entitled to receive an annual allowance as determined by the Remuneration Tribunal pursuant to Section 76 of the LG Act for performing and discharging their official functions and duties which is set by the Remuneration Tribunal.

Allowances for the District Council of Lower Eyre Peninsula Members elected at the November 2010 elections are as follows:

Mayor / Chairperson –	\$32,000	per annum
Deputy Mayor / Chairperson –	\$10,000	per annum
Council Member –	\$ 8,000	per annum

Allowances are to be paid in arrears of each month in respect of which an instalment is payable, (as per Regulation 4 of the Regulations).

NOTE: A member of a council who holds an 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. (s.76(11) of the LG Act

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). (s.76(12) of the LG Act).

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 Commission of SA makes the final declaration of the results of the elections).

New Council Members should commence their allowance, as specified under Section 76(8) of the LG Act from the date of the first ordinary meeting of the 'new' Council.

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7. EXPENSES & REIMBURSEMENTS

Expenses and reimbursements fit within 3 categories as follows:

7.1 Expenses Relating to Prescribed Meetings (Mandatory Member Reimbursements under Section 77 (1)(a) of the LG Act)

Claims for quarterly reimbursement submitted on Form 1

- Travel for eligible journeys within the Council area to prescribed meetings
 - Private vehicle (rate per kilometre)
 - Taxi, bus or other transport means
 - Child/Dependent Care expenses

7.2 Other Member Reimbursement (Expenses / reimbursements that are covered by this Policy to avoid Council having to deal with these on a case by case basis under Section 77(1)(b) of the LG Act)

Forms are provided for claims reimbursement

- Travel for an eligible journey outside Council area
 - Car vehicle (rate per kilometre) or airfare (the lesser of)
- Travel to attend a Function or Activity of Council (Inside or Outside the Council area)
 - Car vehicle (rate per kilometre)
 - Car parking fees
 - Taxi, bus, plane or other transport
 - Child care costs
- Expenses to attend Conference, Seminar or Training course
 - Car vehicle (rate per kilometre)
 - Commercial accommodation
 - Private accommodation (\$60 per night)
 - Meals
 - Taxi, bus, plane or other transport
 - Car parking fees

7.3 Other Member reimbursement not covered by Policy

Any other expense reimbursement not covered by this policy or Section 77 (1)(a) of the Act requires a resolution of Council.

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8. COUNCIL FACILITIES AND SUPPORT

8.1 Facilities and Support available to all Council Members:

- IT support (for Council business)
- Business cards
- Storage facilities

8.2 Facilities and Support available to the Mayor (and Acting Mayor):

- Mayoral email address

NOTE: COUNCIL FACILITIES AND SUPPORT IS NOT MADE AVAILABLE FOR ELECTION CAMPAIGN PURPOSES

9. FURTHER INFORMATION

Members of the public may inspect this policy on Council's website www.lowereyrepeninsula.sa.gov.au and at the principal office of the District Council of Lower Eyre Peninsula at 32 Railway Terrace, Cummins, SA OR email mail@dclep.sa.gov.au OR phone 8676 2106.

On payment of a fee, a copy of this policy may be obtained from the Council, or otherwise may be downloaded for free from the Council's website.

Any queries in relation to this policy should be directed to the Chief Executive Officer.

10. REVIEW

This policy will be reviewed within 12 months after a general Local Government election in accordance with Section 63(2) of the *Local Government Act 1999* in conjunction with the review of Council's Code of Conduct for Council Members.

The Council may at any time alter this policy, or substitute a new policy.

SIGNED:

CEO

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Mayor, DCLEP

Date: 21 / 09 / 2012

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