

	<p style="text-align: center;"><b><i>Elected Members Allowances and Support Policy</i></b> <i>Policy No. GOVPOL 07</i></p>	<b>Version No:</b>	21
		<b>Responsible Officer/s:</b>	Governance Officer
		<b>Classification:</b>	Council
		<b>Issued:</b>	25 May 2000
		<b>Next Review:</b>	<b>December 2026</b>

## 1. Purpose

The *Local Government Act 1999 (the Act)* and the *Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations)* prescribe 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 dependant while attending Council business.

The Act also makes provision for Council to resolve, on a discretionary basis, to reimburse Elected Members for a range of additional expenses, (prescribed by the Regulations) incurred in performing or discharging official functions and duties.

The District Council of Grant 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 Act and the Regulations.

This Policy sets out the provisions of the 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 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.

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 Act.

## 2. Scope

This Policy applies to all Elected Members of the District Council of Grant, who each have an obligation to abide by the Policy.

## 3. Definitions

<b><i>Mayor</i></b>	the Principal member of the Council representing the District Council of Grant
<b><i>Elected Members</i></b>	members of the governing body of the Council
<b><i>Eligible journey</i></b>	a journey (in either direction) between the principal place of residence, or a place of work, of an Elected Member, and the place of a prescribed meeting
<b><i>Prescribed meeting</i></b>	in relation to an Elected Member, 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.
<b><i>Business of Council</i></b>	refers to business of the Corporate Council entity which Elected Members are required to undertake to meet their legislative obligations and does not include community outreach at the Elected Member's own initiative. Business of Council may include: attendance at mandated training, or at conferences and

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meetings required in their role on a Council Committee, appointed board delegate, or nominated Council representative.

## 4. Policy

### 4.1. The Principles

This policy is underpinned by the following principles:-

- Elected Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- Elected Members are entitled to receive:-
  - an annual allowance as provided in Section 76 of the Act and Regulation 4;
  - reimbursement of prescribed travelling and child/dependant care expenses associated with attendance at Council/ Committee meetings, pursuant to Section 77(1)(a) of the Act and Regulation 5.
- Council has also agreed to:-
  - reimburse certain prescribed expenses pursuant to Section 77(1)(b) of the Act and Regulation 6;
  - 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.
- 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 the Council is to its community for the use of public monies.

### 4.2. Entitled Allowances and Reimbursements

#### 4.2.1. 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 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.

The annual allowance for a Council Member is determined according to the relevant Council group. There are six Council Groups which are each

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explained within the determination of the Remuneration Tribunal. District Council of Grant falls within group four of the determination of the Remuneration Tribunal.

The annual allowance for principal members, is equal to four times the annual allowances for Council Members of council; the deputy mayor 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.

The annual allowance for all Elected Members (including the Mayor) is paid quarterly in arrears by electronic funds transfer to a nominated bank account. A statement of earnings will be provided to Council Members at the conclusion of each financial year.

4.2.2. An additional allowance in the form of a sitting fee may also be payable to Elected Members who are members of other Committees, where that Committee has so determined. Leave of Absence

- Any Councillor (including the Mayor and Deputy Mayor) granted leave of absence from Council for up to three months, shall receive their usual allowance.
- Any Councillor appointed as Acting Mayor or Acting Deputy Mayor whilst the Mayor or Deputy Mayor is on leave of absence granted by the Council, shall receive the applicable allowance of the Mayor or Deputy Mayor for the period of the leave of absence, in lieu of the Councillor allowance.
  - In the event this is required, the Mayor or Deputy Mayor shall receive a Councillor's allowance only for the period the Acting Mayor or Acting Deputy Mayor is fulfilling their roles requirements, up to a maximum of three months.
- If an Elected Member 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 Elected Member:
  - i. is not entitled to receive any Elected Member allowance or reimbursement of expenses; and
  - ii. must not use any facility, service or other form of support provided by the Council; and
  - iii. must not carry out any function or duty as an Elected Member.

4.2.3. Mandatory Reimbursements – Travel and Child/Dependant Care (Section 77(1)(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 child/dependant care expenses associated with attendance at a "Prescribed Meeting" as detailed below:-

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- Reimbursement for travel expenses 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 i.e. any travelling outside the Council area in order to attend Council or Committee meetings is provided by this policy under "Additional Reimbursement and Support".
- 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. 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.
- Elected Members will be reimbursed for child/dependant care necessarily incurred as a consequence of attendance at a prescribed meeting. Child/dependant care expenses will not be 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.

#### 4.2.4. Additional Reimbursement and Support

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

##### 4.2.4.1. Travelling expenses

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:-

- Travel must be incurred by the Elected Member as a consequence of attendance at a function or activity on the business of Council.
- Travel related to attendance at any of the above types of functions will be paid at the same rate as required under Section 28.25 of the *Income Tax Assessment Act 1997*.
- Claims are to be made on the official mileage claim form, indicating the date of travel, distances, reason for travel, etc. and are to be submitted to the Chief Executive Officer quarterly for payment.
- Reimbursement is restricted to the shortest or most practicable route.
- Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses 'actually and necessarily incurred'.

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and necessarily incurred', but is still limited to the shortest or most practicable route.

#### 4.2.4.2. Incidental Expenses

Pursuant to Section 77(1)(b) of the Act, Council approves reimbursement of:-

- Expenses incurred for the care of a child of the Elected Member or a dependant of the Member requiring full time care as a consequence of the Member's attendance, as Council's "appointed delegate" at a function or activity on the business of Council. This will not apply if care is provided by a relative of the member, who ordinarily resides with the member.
- All incidental expenses incurred on council business must be pre-booked through Council administration. In circumstances where this is not possible or practicable, elected members will be reimbursed on presentation of receipts up to the following limits:-
  - Travel expenses (motor vehicle expenses only at a per km rate, inline with "travelling expenses" above),
  - Course registration fees (subject to an approved training plan),
  - Accommodation (to be booked via Council Administration only, for Council business out of the Council area exceeding 7.6 hours in duration),
  - Flights (to be booked via Council Administration only, for Council business out of the Council area exceeding 7.6 hours in duration),
  - Meals (for Council business out of the Council area exceeding 7.6 hours in duration):
    - a. breakfast up to \$20,
    - b. lunch up to \$25,
    - c. dinner up to \$40,
  - Incidentals up to a daily maximum of \$20 (reasonably and necessarily incurred in the course of business of Council, for Council business out of the Council area exceeding 7.6 hours in duration).

#### 4.2.4.3. Communications and Facilities Support

In addition to allowances and the reimbursement of expenses, the Local Government Act provides that the Council can provide facilities and forms of support for use by its Elected Members to assist them to perform or discharge their official functions and duties (section 78).

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The provision of these facilities and support are made available to all Elected Members (including the Mayor) on the following basis:

- they are necessary or expedient for the 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 Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

The following information technology support shall be available to each Elected Member:-

- A laptop and/or Tablet device and relevant software – subject to Councils Electronic Use Policy for Elected Member laptops
  - Note: any requests for an additional or replacement device will be considered on a case by case basis, must be made in writing to the Chief Executive Officer and will be considered in conjunction with the Council budget, the Elected Members' workload and requirements in undertaking their role and functions as an Elected Member
- Wireless Internet connection – subject to adequate coverage
- Access to Councils Elected Member Intranet
- District Council of Grant email account and address that will be displayed on Council's website
- Reimbursement of Telephone Rental and call costs of up to \$70 per month (adjusted annually in proportion to the increase in the Consumer Price Index (CPI) published by the Australian Government for Adelaide (All Groups), calculated using the March quarter CPI figures for the previous 12 months).
- Training for members on the use of the laptop/Tablet and software

If members are unable to receive adequate coverage to receive a wireless internet connection, Council will reimburse the member up to \$70 per month for alternative ADSL or Satellite connection.

The facilities remain the property of Council and must not be used for a purpose unrelated to the performance of official



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functions and duties unless the use has been approved by Council and the Member has agreed to reimburse Council for any costs or expenses associated with that use.

#### 4.2.4.4. Mayoral Support

In addition to the above, the following facilities and support will be provided to the Mayor to assist in performing and discharging their official functions and duties:-

- Council will provide a vehicle for the Mayor, with the vehicle to remain the property of Council, and with Council meeting all operational and replacement costs including costs of insurance, registration, servicing, tyres and minor expenses for the vehicle.
- The Mayor is approved to use the vehicle for full private use for the duration of their appointment, subject to annual review of vehicle usage.
- Council will be responsible for all fuel costs for the vehicle subject to the following:
  - The Mayor will maintain a log book for all travel, differentiating between business use related to the role of Mayor, and private use of the vehicle, and this will be provided to Council on a quarterly basis.
  - Council will issue the Mayor with a corporate fuel card for fuel purchases for the Council owned vehicle, and the Mayor will provide all such fuel dockets/receipts to the Chief Executive Officer on at least a monthly basis.
- It is recognised that the Mayor's role includes the need to meet with various government agencies, businesses etc. The Mayor may seek reimbursement of incidental expenses subject to the event being in his calendar and approved by Council.

#### 4.2.4.5. Legal Advice.

Any legal advice obtained on behalf of Council will occur through the Chief Executive Officer (CEO) or be authorised by the CEO. The Mayor or delegate may seek legal advice for or on behalf of the Council subject to a Council resolution outlining the intended process and purpose for said legal advice.

### 4.3. Exclusions

The use of Council facilities, support and/or services by Elected 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 an Elected Member's official functions or duties. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Act.

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#### **4.4. Spousal and Family Member Expenses**

In instances where an Elected Member's spouse, partner or another family member travels with the Elected Member, the Elected Member shall meet the full cost incurred by the spouse, partner or another family member.

#### **4.5. Expenses and Support Requiring Approval**

Any circumstance outside of the above policy is to be referred to the CEO or the Council for specific approval (including interstate travel and training).

International travel or expenses exceeding \$5,000 will be referred to the Council for specific approval.

#### **4.6. Claims for Reimbursement**

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 or CEO to attend on the business of the Council.

Reimbursement of costs incurred in attending any function or activity on the business of Council, shall be submitted on the relevant form to the Chief Executive Officer. Receipts confirming the expenditure has been incurred must be provided with any claim made for reimbursement.

### **5. Register of Allowances and Benefits**

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 Register of Allowances and Benefits will be published on a website determined by the Chief Executive Officer as soon as reasonably practicable after the end of each financial quarter.



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## 6. Availability of the Elected Members' Allowances and Support Policy

This Policy will be available for inspection at Council's Office in Mount Gambier and the Port MacDonnell Branch Office during ordinary business hours. A copy will also be available on Council's website [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au).

## 7. Roles and Responsibilities

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 annually in proportion to the increase in the CPI published by the Australian Government for Adelaide (All Groups), calculated using the March quarter CPI figures for the previous 12 months to reflect changes in the CPI under the scheme prescribed by the Regulations);
3. ensure copies of this Policy are available for inspection by the public at the principal office of the Council;
4. implement and monitor expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy and any associated procedure; and
5. ensure a copy of this Policy is provided to all Council Members.

## 8. References / Other Documents

### 8.1. Legislation

*Local Government Act 1999*

*Local Government (Elections) Act 1999*

*Local Government (Members Allowances and Benefits) Regulations 2010*

### 8.2. Council Policies / Procedures

Code of Conduct for Council Members

Elected Members Training & Development Policy

## 9. Review

This Policy lapses after the conclusion of each periodic election of Council and must be reviewed at the first meeting of Council following a periodic election.

Action	Date	Minute Reference
Adopted	25 May 2000	00156.2
Reviewed	07 December 2000	00371.2
Reviewed	17 June 2002	02175.2
Reviewed	16 February 2004	04040.3

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Reviewed	07 June 2004	04150.2
Reviewed	18 May 2005	05154.3
Reviewed	04 June 2007	07156.2
Amended	01 December 2008	08278.3
Amended	20 July 2009	09201.4
Amended	22 November 2010	10299.2
Amended	16 January 2012	12008.3
Amended	23 April 2014	14052.7.4
Reviewed	1 December 2014	14140.1.3
Amended	21 March 2016	16032.2
Amended	5 December 2018	18166.2.3
Amended	4 March 2019	19028.3.3
Amended	1 October 2019	19131.1
Amended	6 April 2020	20042.4
Minor formatting amendments	4 May 2020	Governance Officer
Amended	18 July 2022	22195.2
Amended	28 November 2022	22317.2
Amended	17 April 2023	23074