

<b>Policy Name</b>	<b>Elected Members’ Allowances &amp; Support</b>
<b>Policy Number</b>	CL01
<b>Responsible Section</b>	Strategy & Performance
<b>Responsible Department</b>	Corporate Services
<b>Date Last Adopted</b>	6 December 2022
<b>Date of Next Review</b>	December 2026
<b>Applicable Legislation</b>	Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010 Local Government (General) Regulations 2013
<b>Related Governance Documents</b>	Elected Members’ Conferences, Seminars, Training & Development
<b>City Plan Theme</b>	Leadership

## 1. PURPOSE/OBJECTIVE

The City of Port Adelaide Enfield will ensure that the payment of the allowances for the Mayor and Elected Members and the reimbursement of expenses is accountable and transparent, and in accordance with Section 76 of the Local Government Act 1999 (the Act) and the Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations).

This Policy sets out the provisions of the Act and Regulations in respect to the Mayor and Elected Members allowances, expenses and support, sets out the types of expenses and the circumstances in which those expenses will be reimbursed and summarises the determination of the Remuneration Tribunal. In setting this Policy, Council has taken into consideration the overall support provided to Elected Members including annual allowances paid, expenses reimbursed and facilities/services provided pursuant to Sections 76, 77, and 78 of the Act.

The entire Policy will lapse at the next general election of the Council.

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

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).

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 to obtain reimbursement of those expenses.

- Elected Members should not be “out-of-pocket” as a result of performing and discharging their Council functions and duties.
- Any reimbursements claimed must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- A Elected Member is entitled to receive:-
  - an annual allowance as provided in Section 76 of the Act and Regulation 4;
  - 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.
- Council has also agreed to:-
  - reimburse certain prescribed expenses pursuant to Section 77(1)(b) of the Act and Regulation 6;
  - provide Members with facilities and support to assist them in performing and discharging their functions and duties pursuant to Section 78 of the Act.

## 2. SCOPE

This Policy will apply to the Principal Member (Mayor) and all Elected Members.

## 3. POLICY

Entitled Allowances and Reimbursements

### **ALLOWANCES**

Elected Members are entitled to receive an allowance pursuant to Section 76 of the Act to help cover the cost of performing and discharging their official functions and duties. The allowances are set by the Remuneration Tribunal and will be adjusted annually on the first, second and third anniversary of the Local Government Election to reflect changes in the Consumer Price Index in accordance with Section 76(15).

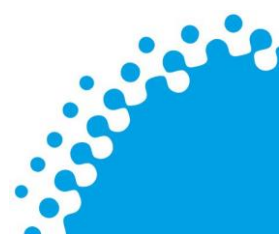
Allowances will be paid monthly in advance pursuant to Regulation 4(2).

In setting these allowances, the Remuneration Tribunal has taken the following factors into consideration:

- the allowance is intended to help cover the general expenses of office incurred by Elected Members; and
- there is no requirement to provide evidence to Council of actual expenses incurred in respect to the allowance.

### **Payment of Allowance into Superannuation Fund**

Individual Elected Members may, by arrangement with the Chief Executive Officer and the Elected Member’s superannuation fund, elect to have some or all of their allowance paid directly into their superannuation fund, provided that such an arrangement does not result in a financial liability to the Council that would exceed the liability that would occur if the Council were to pay the allowance in the ordinary manner by electronic funds transfer to the Elected Member’s bank account.



The Elected Member is responsible for carrying out all dealings with the superannuation fund necessary to enable the superannuation fund to receive funds directly from the Council. The Elected Member must agree to indemnify the Council against any loss suffered by the Elected Member in agreeing to enter into such an arrangement. It is the responsibility of each individual Elected Member seeking to enter into such an arrangement to seek their own advice as to the appropriateness of the arrangement.

### **Travel and dependent care**

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:

- 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 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.
- child/dependent care expenses are not reimbursed if the care is provided by a relative of the Elected Member who ordinarily resides with the Member. A definition of "relative" is contained in Section 4 of the Act.

### **Additional Reimbursement and Support**

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

#### ***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 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/Chairperson 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 attending meetings of community groups or organisations when fulfilling the role of local representative - the Elected Members allowance provides for this).
- Travel related to attendance at a Council or Committee meeting (eligible journey) as it relates to that component outside the Council area, up to a maximum of 30km per return journey.
- Reimbursement is restricted to the shortest or most practicable route.
- 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, 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.

### **Other 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 dependent of the Member requiring full time care as a consequence of the Elected Member's attendance at a function or activity on the business of Council.
- Expenses incurred by the Elected 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 Elected Member, will be met only *in accordance with* the "Elected Members' Conferences, Seminars, Training and Development Policy".
- Expenses incurred in the use of a telephone or other communication device to assist them in performing or discharging their official functions and duties, up to \$720 (inc. GST) per financial year.
- Expenses incurred by the Elected Member for internet service provision (to facilitate email and internet access to assist them in performing or discharging their official functions and duties, up to \$720 (inc. GST) per financial year

### **Facilities and Support**

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

1. Elected Members Personal Accident Insurance Policy
2. Elected Members business cards
3. Use of a Council issued laptop with anti-virus software and cellular data connectivity
4. Official Council email address
5. Use of home printer
6. Provision of a Microsoft Office 365 licence or equivalent
7. Supply of paper/printer consumables up to a value of \$800 per financial year
8. Support of Council issued devices and software

These facilities and services are made available subject to the following:-

- they are necessary for the Elected Member to perform or discharge their 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 the use has been approved by Council and the Elected Member has agreed to reimburse Council for any cost associated with that use in accordance with the below.

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

All other expenses, reimbursements and support not detailed above (or otherwise approved under an associated Council Policy) will require approval by Council resolution on a case by case basis.

### **Claims for Reimbursement**

Elected Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. Procedures and proforma claim forms 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 within three months of the journey being undertaken and/or the expense incurred.

Application forms for reimbursement are available to all Elected Members via the Extranet.

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

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

### **4. MAYORAL SPECIFIC SUPPORT**

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

1. Use of a tablet, including WiFi Communication capability and software
2. Use of a fully maintained motor vehicle
3. Use of a fully maintained mobile telephone
4. Provision of Administrative Support
5. Provision of Media and Communications Support
6. Stationery, printing and postage relating to the Mayoral Office

### **5. ROLES AND RESPONSIBILITIES**

The Governance team is responsible for the implementation and management of the policy.

The Chief Executive Officer is responsible for implementing expense reimbursement procedures in accordance with this Policy and maintaining a Register of Allowances and Benefits as prescribed in Section 79 of the Act and Regulation 7.

### **6. DEFINITIONS**

Nil