



Elected Members Allowances and Benefits Policy

Classification:	Council Policy
Review Frequency:	Following a General Election
Last Reviewed:	27 November 2018
Review Due:	November 2022
Responsible Officer:	Chief Executive Officer Senior Finance Officer
Applicable Legislation:	<ul style="list-style-type: none"> Local Government Act 1999, sections 76 - 80 Local Government (Members Allowances and Benefits) Regulations 2010
Related Policies/Procedures/Documents:	<ul style="list-style-type: none"> Elected Members Travel and Accommodation Policy Determination of the Remuneration Tribunal Allowances for Elected Members of Local Government Councils.

1. INTRODUCTION:

Kingston District Council will ensure that the payment of elected member allowances, the reimbursement of expenses and the provision of benefits by council is accountable and transparent and in accordance with the Local Government Act 1999 (the LG Act) and Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations).

This Policy sets out:

- the provisions of the LG Act and Regulations in respect of elected member allowances, expenses and support.;
- the types of expenses that will be reimbursed without the need for specific approval of council every time a claim is made; and
- 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.

2. SCOPE:

This Policy applies to all elected members of Kingston District Council.

3. DEFINITIONS:

<i>Committee</i>	Means a committee established by a council in terms of Section 41 of the Act.
<i>Elected Member</i>	Includes the Mayor, unless stated otherwise
<i>Eligible Journey</i>	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 .
<i>Function or Activity on the Business of Council</i>	Includes official council functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies, official visits, inspection of sites within the council area relating to council or committee agenda items, meetings of community groups and organisations as a council representative (but not to attend meeting of community groups or organisations when fulfilling the role as a member of the Board of any such organisation).
<i>Prescribed Committees</i>	A committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to council. Council's prescribed committees include: Audit Committee, Kingston Caravan Park Management Committee and Strategic Planning and Development Committee.
<i>Prescribed Meeting</i>	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 elected member.

4. 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.
- 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 for expenses actually and necessarily incurred in performing and discharging their official council functions and duties.

This policy, in its entirety, will automatically lapse at the next general election of this council.

5. ALLOWANCES (DETERMINED BY THE REMUNERATION TRIBUNAL)

Elected Member Allowances:

- 5.1 Elected 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*.
- 5.2 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. 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 ("CPI") under a scheme prescribed by the Regulations.
- 5.3 Allowances will be paid in instalments up to 3 months in arrears of each month in respect of which an instalment is payable.
- 5.4 The annual allowance for an elected member is determined accordingly to the relevant council group. There are six Council Groups which are each explained within the determination of the Remuneration Tribunal (see Appendix 2). The annual allowance for:
 - Principal members, is equal to four times the annual allowance for council members of that council;
 - Deputy mayor 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 allowances for council members of that Council.

Sitting Fees:

- 5.4 An additional allowance in the form of a sitting fee is also payable for elected members who are presiding members of other council committees (who are not deputy mayors, or presiding members of prescribed committees).

Travel Time Allowance:

- 5.5 Pursuant to the determination made by the Remuneration Tribunal, elected members (excluding principal members) of non-metropolitan Councils are eligible for payment for a travel time payment where the elected member's:
- a) usual place of residence is within the relevant council area and is located at least 30kms but less than 50km or more distance from their council's principal office, via the nearest route by road - \$410 per annum
 - b) usual place of residence is within the relevant council area and is located at least 50kms but less than 75 kms from their council's principal office, via the nearest route by road - \$700 per annum;
 - c) usual place of residence is within the relevant council area and is located at least 75kms but less than 100 kms from their council's principal office, via the nearest route by road - \$1,050 per annum;
 - d) usual place of residence is within the relevant council area and is located 100km or more from their council's principal office, via the nearest route by road - \$1,490 per annum;

The travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.

Other Considerations:

- 5.6 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 in accordance with Section 76(12) of the Act).
- 5.7 In the year of a periodic election, elected 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).
- 5.8 Following a periodic election, allowances will commence at the conclusion of the election, as specified under section 76(8) of the LG Act.

6. MANDATORY REIMBURSEMENTS – (SECTION 77(1)(a)):

Travel:

- 6.1 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**' in accordance with (section 77(1)(a) of the LG Act).
- 6.2 Reimbursement for travel expenses is restricted to '**eligible journeys**' provided the journey is by the shortest or most practicable route and to that part of the journey within the council area. Any travel 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 Clause 7.
- 6.3 Where an elected member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth.
- 6.4 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 practicable route and to the part of the journey that is within the council area.
- 6.5 Elected members may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then claim reimbursement on a quarterly basis.

Child/Dependent Care:

- 6.6 Elected members are entitled to reimbursement for child/dependent care expenses actually or necessarily incurred by the elected member as a consequence of the elected 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 elected member.

7. COUNCIL APPROVED REIMBURSEMENTS - (SECTION 77(1)(b)):

- 7.1 It is recognised that from time to time elected members will attend council related meetings, workshops, activities and functions outside the council area.
- 7.2 Where an elected member travels by private motor vehicle, the elected member will be reimbursed for travel costs within the Limestone Coast Region as a consequence of the members attendance at a function or activity of the business of council, without the need to seek prior approval of the council.
- 7.3 For elected members to be reimbursed for travel outside the Limestone Coast Region, including attendance at a conference, seminar, training course or other similar activity which is directly related to the performance of

the role and duties of an elected member, a request must be presented to Council for prior approval. Once approved, reimbursements will be paid in accordance with the Elected Members Travel and Accommodation Policy.

- 7.4 Clause 6.3 of this Policy will apply in determining the rate of reimbursement for travel.

8. PROCESS FOR REIMBURSEMENT

- 8.1 To receive reimbursement for Mandatory Reimbursements under Clause 6, elected Members must complete Form 1 provided at the Appendix.
- 8.2 To receive reimbursement for Council Approved Reimbursements under Clause 7, elected Members must complete Form 2 provided at the Appendix.
- 8.3 The relevant claim form must be submitted to council's Finance Officer by the last business day of each quarter, being November, February, May and August in each year. After approval by the Chief Executive Officer, reimbursement will be processed in council's next payment run.
- 8.4 Reimbursement of expenses will only be paid to an elected member upon presentation of the required form and adequate evidence supporting the claims made (if required).

9. FACILITIES AND SUPPORT

- 9.1 In addition to allowances and the reimbursement of expenses, and in accordance with Section 78 of the Act, council will provide the following facilities and support to all elected members to assist them in performing or discharging their official functions and duties:
- IPad and council email address
 - Business cards
 - Meals and refreshments where appropriate, while attending council meetings, council committee meetings, briefings, training and workshops.
 - Corporate shirt and tie/scarf
 - Name badge
- 9.2 The provision of these facilities and support are made available to all elected members on the following basis:
- a. Such provision is necessary for the elected member to perform or discharge his/her official functions and duties;
 - b. 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;
 - c. If the facilities provided to the elected member are damaged or lost, the elected member must lodge a written report to the CEO.
- 9.3 In addition to the above, council will 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:

- a. Office space and administrative support (as required)

10. OTHER REIMBURSEMENTS

Any additional reimbursements and facilities and support not detailed in this policy will require the specific approval of council (via a council resolution), prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

11. REGISTER OF ALLOWANCES AND BENEFITS

11.1 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 an elected member; and
- b. any expenses reimbursed under section 77(1)(b) - Council Approved Reimbursements; and
- c. other benefits paid or provided for the benefit of the member by the council; or
- d. provision of a reimbursement or benefit not previously recorded in the register.

11.2 Mandatory Reimbursements paid under Section 77(1)(a) of the Act are not required to be recorded in the register.

11.3 Council's Senior Finance Officer is required to record in the register any changes in the allowance or a benefit payable to, or provided for the benefit of elected members. Accordingly, the Senior Finance Officer will update the register each quarter.

11.4 The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the council office during ordinary business hours. Copies or extracts of the register are available for purchase upon payment of a fixed fee.

12. AVAILABILITY OF THE POLICY:

This policy will be available for inspection at the council's principle office, 29 Holland Street Kingston SE, during ordinary business hours and on council's website: www.kingstondc.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon such payment of the fee set by council.

Details of your motor vehicle (where applicable):

- Model and make of motor vehicle:
- Engine size:
- Total number of kilometres for reimbursement claim:

2. Child Care Expenses:

Name of Child/Dependent	Date of Care	Prescribed meeting attended	Hours of Care Provided	Care Provider

- Reimbursement claim: \$.....

.....
Signature of elected member

Date:

FOR OFFICE USE ONLY

.....
Signature of Chief Executive Officer (Acknowledging receipt)

Date:

Claim processed by:



Form 2

**Elected Member's Reimbursement Claim for
Council Approved Reimbursements
(Section 77(1)(b) of the LG Act)**

Name:

Period:

Total Reimbursement Claim Amount: \$.....

Reimbursement of expenses for travel within the Limestone Coast Region, travel outside the Limestone Coast Region or attendance at a training course or conference (including related expenses).

1. Travel Expenses

Date of Travel	Council Function or Business Attended	Location	Distance Travelled (km)

Details of your motor vehicle (where applicable):

- Model and make of motor vehicle:
- Engine size:
- Total number of kilometres for reimbursement claim:
- Reimbursement claim: \$.....

2. Reimbursement of other expenses:

Date	Details	Reimbursement Sought
Accommodation:		
Car Parking:		
Meals:		
Flights:		
Other:		

Total Reimbursement Sought: \$.....

.....
Signature of elected member

.....
Date

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.....
Approved by Chief Executive Officer

.....
Date

Claim processed by:

Entered into Allowance and Benefits Register by:

APPENDIX 2

**DETERMINATION OF THE REMUNERATION TRIBUNAL
ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS**