

# **COUNCIL MEMBERS ALLOWANCES AND SUPPORT POLICY**

*Endorsed by Council on 14 February 2023*

public

MITCHAM

## TABLE OF CONTENTS

1.	PREAMBLE.....	3
2.	PURPOSE.....	3
3.	SCOPE.....	3
4.	DEFINITIONS .....	4
5.	PRINCIPLES.....	5
6.	POLICY STATEMENT .....	5
6.1.	Allowances .....	5
6.2.	Mandatory Reimbursements – under section 77(1)(a) of the Act .....	6
6.3.	Prescribed and Approved Reimbursements – under section 77(1)(b) of the Act.....	7
6.4.	Facilities and Support.....	8
6.5.	Gifts for Council Members.....	10
6.6.	Other Expenses and Support Requiring Council Approval .....	10
6.7.	Claims for Reimbursement.....	10
6.8.	Delegation to Reimburse.....	11
6.9.	Register of Allowances and Benefits.....	11
7.	RECOGNITION OF COUNCIL MEMBERS .....	11
8.	POLICY REVIEW.....	12
9.	VERSION HISTORY .....	12
10.	DOCUMENT CONTROL.....	13

## 1. PREAMBLE

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

## 2. PURPOSE

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is to:

- a) participate in the deliberations and civic activities of the Council; thereby representing the interests of residents and ratepayers to provide community leadership and guidance and the facilitate communication between the community and the council;
- b) keep the Council's objectives and policies under review to ensure that they are appropriate and effective;
- c) keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and
- d) as far as practicable, that the principles set out in section 8 of the Act are observed.

This Policy sets out the provisions of the Act and Regulations in respect of Council Member allowances, expenses and support. The Policy is also prescribed in accordance with section 77(1)(b) of the Act the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

The associated Register of Allowances and Benefits, as required under section 79 of the Act and regulation 7 of the Regulations, records the actual expenses reimbursed by the Council for each Council Member.

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

## 3. SCOPE

- 1) This Policy applies to all Council Members of the City of Mitcham who each have an obligation to abide by the Policy.
- 2) The Council's Chief Executive Officer has the duty to:
  - maintain the Register of Allowances and Benefits;
  - initiate a review of allowances paid to Council Members (in accordance with the Remuneration Tribunal Determinations on council member allowances); and
- 3) In addition, the Chief Executive Officer is responsible for:

- implementing and monitoring expense reimbursement procedures in accordance with the Act, the Regulations, this Policy and any associated procedure; and
- ensuring a copy of this Policy is provided to all Council Members.

#### 4. DEFINITIONS

**the Act** – is the *Local Government Act 1999*.

**eligible journey** – as defined in regulation 3 of the Regulations, means a journey (in either direction) between the principal place of residence or place of work of an Council Member, and the place of the prescribed meeting.

**Council business** – for the purposes of this Policy, includes:

- official Council functions such as Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits;
- site visits within the Council area related to Council, Committee or DAP agenda items;
- attendance at meetings of regional subsidiary boards or community groups and organisations where the Council Member has been appointed or nominated by Council.

**LGA** – is the Local Government Association.

**prescribed committee** – as defined in Remuneration Tribunal Determination 2 of 2022 means a committee that endures, irrespective of whether the Council has signed any work for the committee to perform and assists the Council or provides advice to the Council in any of the following areas, or combination thereof:

- Audit and Risk
- CEO performance reviews
- Corporate Services
- Finance
- Governance
- Infrastructure and Works
- Risk Management

**prescribed meeting** in relation to a member of Council, means meetings of Council and Council committee, or Information Session of Council, discussion, workshop, briefing, training courses, or similar activities which are directly or closely related to the performance or discharge of the roles or duties of the member.

**the Regulations** – are the *Local Government (Members Allowances and Benefits) Regulations 2010*.

## 5. 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.
- Council Members are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this Policy in performing or discharging their official functions and duties.
- 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 an Council Member under the 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 payment of Council Member allowances and the reimbursement of expenses is accountable and transparent to the community.

## 6. POLICY STATEMENT

### 6.1. Allowances

Council Members are entitled to receive an annual allowance as provided in section 76 of the Act and determined by the Remuneration Tribunal on a four yearly basis prior to the periodic elections. The level of allowances paid is dependent on the group to which the Council has been allocated by the Tribunal in its determination. City of Mitcham is currently in Group 1B.

Allowances are payable to:

<b>Principal Member</b>	– equal to four times (400%) the annual allowance for an Council Member
<b>Deputy Principal Member / Presiding Members of prescribed committees</b>	– equal to one and a quarter times (125%) the annual allowance for an Council Member
<b>All other Council Members</b>	– as determined by the Remuneration Tribunal

An allowance determined by the Remuneration Tribunal will, in accordance with the Act, be payable for the period commencing on the conclusion of the relevant periodic election and concluding at the time at which the last result of the next periodic election is certified by the returning officer.

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. Allowances will be paid on / or around the 15<sup>th</sup> of each month in advance in accordance with regulation 4 of the Regulations.

An additional allowance in the form of a sitting fee is also payable for Council Members who are Presiding Members of committees that are not prescribed committees (who are not the Principal Member, Deputy Principal Member or a Presiding Member of a **prescribed committee**).

- NOTE:
- An Council Member who holds 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.
  - A Member may decline to accept payment of an allowance in accordance with section 76(12) of the Act.

## 6.2. Mandatory Reimbursements – under section 77(1)(a) of the Act

### 6.2.1 Travel

Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a **prescribed meeting** (section 77(1)(a) of the Act), provided that:

- reimbursement for travel expenses is restricted to **eligible journeys** (as defined in regulation 3 and set out in clause 4 of this Policy) provided the journey is by the shortest or most practicable route within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Act. For reimbursement for travel outside the Council area refer to *Prescribed and Approved Reimbursements* below;
- where an Council Member travels by private motor vehicle, the rate of reimbursement is equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth;
- 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 only to the part of the journey that is within the Council area.

### 6.2.2 Child/Dependent Care

Council Members are entitled to reimbursement for child/dependent care expenses actually or necessarily incurred by the Council Member as a consequence of the Council 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 Council Member.

### 6.3. Prescribed and Approved Reimbursements – under section 77(1)(b) of the Act

There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.

Additional reimbursements approved by the Council under this Policy are as follows:

#### 6.3.1 Travel

- Travel related to attendance at a ***prescribed meeting (eligible journey)*** as it relates to that component of travel **outside** the Council area, up to a limit of 100 kilometres per meeting or function.
- Travel related to attendance at functions or activities on Council business, inside and outside of the Council Area.
- Reimbursement will be provided subject to the following conditions:
  - travel is restricted to the shortest and most practicable route.
  - where an Council Member travels by private motor vehicle, the rate of reimbursement is equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* (Commonwealth).
- Reimbursement will also be provided for the following costs which are actually or necessarily incurred as a result of attending a function or activity on Council business:
  - car parking fees;
  - costs relating to travel by taxi, bus, plane (as approved by Council), or other means of public transport;
  - costs associated with attendance and travel to events held by the Southern Business Connections Association as per Council's resolution passed at Item 9.9 of the 11 August 2020 Full Council Meeting;
- Council Members will not be reimbursed by the Council for travelling expenses related to attendance at a function or activity on Council business where the regional subsidiary or community group / organisation provides for reimbursement of such expenses.

#### 6.3.2 Child / Dependent Care

- Expenses actually and necessarily incurred for the care of a child or a dependant of an Council Member as a consequence of the Council Member's attendance at a function or activity on Council business, other than expenses for which the Council Member is reimbursed under section 77(1)(a) of the Act.
- Council Members will not be reimbursed by the Council for child/dependant care expenses related to attendance at a function or activity on Council business where the regional subsidiary or

community group/organisation provides for reimbursement of such expenses.

#### 6.4. Facilities and Support

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

In approving the provision of facilities and support, Section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out in **Schedule 1**.

The provision of facilities and support to Council Members is subject to the following:

- any property provided to Council Members remains the Council's property regardless of whether it is used off site or not;
- all facilities or services 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 and the Council Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage. Pre-approval authority is as follows:
  - The Chief Executive for estimated expenses up to \$50.
  - Council (via resolution) for estimated expenditure of \$51 and over.

Pursuant to Section 78 of the Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties and will be provided as necessary:

- City of Mitcham name tag;
- Council word letterhead as required;
- Up to 500 business cards per annum, per Council Member with the option to include a photo of the Council Member;
- Personal Protective Equipment, including but not limited to hi-vis safety vest, hard hat, beanie, sun hat (as required and deemed necessary by the Chief Executive Officer)
- A meal, beverages (alcoholic & non-alcoholic) and supper on Council, Committee and Information Session nights where the meetings are outside of business hours.
- Electronic device (Lenovo Laptop T14 or Surface Pro) with appropriate software, applications and connectivity as required in order to undertake the role of Council Member and to receive electronically Council communications and Council and Committee Agenda and Minutes;
- Sim card and data plan to the value of \$60 per month to allow the Council Member to have a specific mobile number to perform their duties, if requested.



- Receive hard copies of agendas if requested;
- Legal advice to be facilitated through the Chief Executive Officer and paid for by the Council in relation to conflicts of interest that may arise for the Council Member as a result of matters before Council. Other legal advice sought by individual Council Members will not be paid for by the Council unless prior approval has been obtained from the Council or the CEO;
- Access to the Employee Assistance Program
- Cabcharge / taxi vouchers in advance of the travel to a prescribed meeting or a function or activity on Council business, upon request to the Chief Executive Officer;
- Attendance at networking and training and development opportunities to the maximum value of \$2000 over the four (4) year Term of Council per Council Member, subject to available budget provided they are relevant to the role of Council and performing Council duties.
- Reimbursement of car parking fees associated with attendance at networking and training and development opportunities
- Ability to attend in person sessions covering the Mandatory Training Modules or access to LGA Online Mandatory Training Modules if ability to attend in person is not possible;

Other requests for attendance at a conferences, seminars or training courses or similar activities that is directly or closely related to the performance or discharge of their roles and duties as provided for within other associated/relevant City of Mitcham policies.

Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
- all facilities must be returned to the Council at the end of each term in office, upon the office of a Member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
- if the facilities provided to the Council Member are damaged or lost the Council Member must lodge a written report with the Chief Executive Officer (or delegated officer) within one month.

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

In addition to the above, Council has resolved to make available to the Principal Member the additional facilities and support contained in **Schedule 1** to this Policy to assist the Principal Member in performing and discharging his/her official functions and duties.

## 6.5. Gifts for Council Members

The City of Mitcham recognises that Council Members experience things in their personal life that may have significant impact on them. One of the ways the City of Mitcham shows support to Council Members in such times is to send flowers, chocolates or a fruit basket. Such gifts will be sent to Council Members on the following occasions;

- When an Council member has been hospitalised and /or suffered a serious injury. Hospitalisation must be for an operation and subsequent period away from their role as an Council member for recuperation purposes, rather than attendance for one day surgical procedures or similar.
- On the death of an immediate family member or de-facto or step-child.
- On the birth or adoption of a child.

The value of such acknowledgement is set in **Schedule 2**.

## 6.6. Other Expenses and Support Requiring Council Approval

All other expenses, reimbursements and support not detailed in this Policy, will require the specific approval of Council for reimbursement on a case by case basis. Such expenses include additional training, overseas travel and conference expenses such as airfares, registration fees, accommodation, meals, taxi fares etc.

## 6.7. Claims for Reimbursement

Council Members are required to provide details of kilometres travelled.

Where reimbursement is being sought, appropriate evidence of the expenditure is required to be provided which includes a description of the service (s) provided, cost, and the name and signature of the provider.

All claims for reimbursement must be submitted to the Chief Executive Officer (or delegated officer) on the forms provided for this purpose within three months of incurring the expense, preferably on a monthly basis for the purposes of maintaining the Register of Allowances and Benefits.

Note: Any claim for reimbursement of expenses incurred beyond three months from the date of the event for which reimbursement is claimed will not be accepted, unless authorised by the Chief Executive Officer (prior to three months expiry).

Reimbursement of expenses will only be paid to an Council Member upon presentation of the forms with adequate evidence supporting the claims as detailed above with payments made within 14 days of a receipted claim, when sent directly to:

[Councilmembersupport@mitchamcouncil.sa.gov.au](mailto:Councilmembersupport@mitchamcouncil.sa.gov.au) or otherwise 21 days.

## 6.8. Delegation to Reimburse

The Chief Executive Officer (or delegate) has delegated authority to reimburse claims provided for in accordance with this policy.

## 6.9. Register of Allowances and Benefits

Pursuant to section 79 of the Act the Chief Executive Officer is required to maintain a public Register of Allowances and Benefits. The Register will contain a record of:

- a) the annual allowance payable to an Council Member; and
- b) any expenses reimbursed under sections 77(1)(a) and (b) of the Act; and
- c) other benefits paid or provided for the benefit of the Member by the Council; or
- d) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register,

In accordance with regulation 7 of the Regulations, the Register will be updated quarterly and uploaded onto Council's website.

The Register of Allowances and Benefits is available on Council's website. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

## 7. RECOGNITION OF COUNCIL MEMBERS

- 7.1 At the end of each Council Term, Retiring / Non-returning Members will be gifted their desk plaque with an addition inscription on the back:  
"The City of Mitcham appreciates your service  
{Year} – {Year}"

- 7.2 Long serving Council Members will be recognised on the following occasions:

- After 10 years of continuous service presentation of a gift or voucher to the value of \$200 (GST inclusive). If the Council Member so desires the gift may be engraved with the words:

*In grateful recognition of 10 years service to the City of Mitcham. [Date]*

Cash payments will not be made.

- After 15 years of continuous service and each 5 yearly increment thereafter, presentation of a gift voucher to the value of \$300 (GST inclusive) and a suitably engraved plaque.

The Council Member's name be included on the Council Members' Long Service Honour Board at 15 years.

- 7.3 On the death of a current or long serving Council member, flowers or a donation to the value as set out in **Schedule 2** will be made.

## 8. POLICY REVIEW

This Policy will be subject to review every four (4) years or sooner at the discretion of the relevant General Manager and in any event, lapses at the next general election at which time the newly elected Council will be required to adopt a new policy. The next review is scheduled for November 2026.

The CEO has delegated authority to endorse any amendments to the Policy that do not vary the intent of the policy.

## 9. VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
2			7 June 1993
3			6 June 1994
4			5 June 1995
5			1 June 1998
6			9 March 2000
7			23 May 2000
8			26 June 2001
9			9 April 2002
10			27 May 2003
11			21 November 2006
12	Governance Coordinator	Para 3 – travelling expenses include to Council briefings Para 4 - Mayoral fund increased to \$2000	23 November 2010
13	Governance Officer	Updated to include option to use electronic devices	25 September 2012
14	Governance Officer	Updated to refer to the allocation of the mayoral fund on a quarterly basis in an election year	8 July 2014
15	Governance Officer	Reference to prescribed committees	25 November 2014
16	Governance Officer	Change to payment of allowances	9 December 2014
17	Governance Officer	Hard copies of the agenda are available to all Members as required	14 April 2015
18.	Governance Officer	Defined 'Council business' and included regional subsidiary board meetings in cl 4 (p.4). Clarified period for payment of allowances to reflect legislative changes in cl 6.1 (p.5). Added situation when expenses will not be reimbursed in cl 6.3.1 and cl 6.3.2 (p.7). Previous cl 6.3.2.2 re Training has been inserted in 6.4 (p.8). Provision of name tag, standard envelopes, data plan, legal advice, cab charges and access to LGA Online Training Modules in cl 6.4 (p.8). Added para to cross reference policies in 6.4 (p.9). Moved previous cl 6.4.2 re Principal Member support to Appendix A of Policy (p.13). Inserted para to cross-reference. Added new requirement that claims must be submitted within 3 months of incurring expense (p.9).	14 March 2017

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
		Incorporated Council Members Long Service Leave Policy in cl 7 (p.10).	
19.	Team Leader Governance	Deletion of Consumer Price Index information cl (2). Clarification of childcare invoicing/receipts cl (6.3) Photos for business cards/costs for training, increase in business cards and provision of letterhead cl (6.4) Inclusion of Gifts/Benefits cl (6.5), Recording of expenses and service provision for claims cl (6.6) Acknowledgement of Council Member cl (6.7).	11 December 2018
20.	Governance Officer	Policy be amended to remove the requirement to report to Council on a quarterly basis noting that the Register will still be updated quarterly and available for public inspection – <i>Full Council Meeting 8 October 2019 Item 9.5</i> - pg 10 clause 6.9 amended to remove requirement to report to Council quarterly.	21 October 2019
21	Governance Officer	Refer to Full Council Resolution 12 November 2019 Item 9.4	12 November 2019
22	Governance Officer	Amendment of clause 6.3.1 – insert - “costs associated with attendance and travel to events held by the Southern Business Connections Association as per Council’s resolution passed at Item 9.9 of the 11 August 2020 Full Council Meeting; Refer to Full Council Resolution Item 9.9 11 August 2020 Meeting	11 August 2020
23	Governance Officer	Removal of Register of Allowances and Benefits requirement to be on display at principal office. Change to payment of allowance frequency and other adjustments to policy for review	19 October 2022
24	Governance	Change of language from Elected Member to Council Member	
25	Governance	Update as per Council Resolution – Full Council 8 August 2023 Item 10.3	10 August 2023

## 10. DOCUMENT CONTROL

<b>Responsible Department</b>	Governance		
<b>Delegations Apply</b>	Yes		
<b>Classification</b>	Governance		
<b>Applicable legislation</b>	Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010		
<b>Related Policies &amp; Corporate Documents</b>	Register of Allowances and Benefits Council Member – Induction, Training and Development Policy		
<b>Additional references</b>	Determination of Remuneration Tribunal, 2022 Council resolution of 13 February 2018 (Item 14.7)		
<b>Endorsed by Council:</b>	29 November 2022	<b>Item No:</b>	9.5
<b>Effective Date:</b>	29 November 2022	<b>Next Review Date:</b>	November 2026

<b>Policy Set ID</b>	3671065
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**SCHEDULE 1****FACILITIES AND SUPPORT FOR PRINCIPAL MEMBER**

In addition to the Facilities and Support provided to all Council Members at Clause 6.4 of the Council Members' Allowances and Support Policy, the following provisions are made for the Mayor to enable them to perform and discharge their duties:

- Mayoral letterhead as required;
- Laptop;
- Smartphone and data plan;
- An office at the Civic Centre;
- Administrative support.
- City of Mitcham branded vehicle of a standard to enable the Mayor to perform or discharge official functions and duties of the Mayor, up to the same capital purchase price provided for the General Manager vehicles or as per Council's approved Electric Vehicle Fleet Schedule.
  - The vehicle is made available to the Mayor for Commuter Use.
  - Commuter use provides travel to and from home by the most direct / convenient route, with incidental personal use on this journey permitted.
  - A record of non-incidental personal use outside of an eligible journey for Mayoral business must be maintained and reimbursed within in one month.
  - Other people, as nominated by the Mayor, may be permitted to drive the vehicle, permitted the Mayor is in the vehicle and use is for the purpose of Mayoral business.
  - All drivers of the vehicle must have a current driver's licence applicable to the vehicle, be qualified to drive and have completed and complied with the Motor Vehicle User Agreement – General Use Vehicles
  - Drivers must be fit to drive and not drive unlawfully (for example under the influence of alcohol, drugs or prescriptions medication)
  - Smoking is not permitted in the vehicle
  - Any expiation notice or other fines, related to the driver, shall be paid by the driver who incurs such fines / expiations
  - The vehicle may not be driven outside of South Australia, unless authorised by the Chief Executive Officer
  - It is the responsibility of the driver to conduct a reasonable check of the vehicle before use and report any defects to the Depot Workshop and complete a Daily Plant Checklist (if required)
  - The vehicle will form part of the Council fleet and is to be managed by City Operations.

**SCHEDULE 2**

Clause 6.5 (Gifts for Council Members) – Value \$70

Clause 7.3 (Recognition of Council Members) – Value \$100