	<b>Function:</b> EXECUTIVE SERVICES (GOVERNANCE)	<b>Adopted:</b> 1 <sup>st</sup> December 2010 <b>Resolution No.:</b> C533:10
	<b>Policy Number:</b> GOV001	<b>Last Review:</b> 7 <sup>th</sup> December 2022 <b>Resolution No.:</b> C395:1222
	<b>Version Number:</b> 3	<b>Next Review:</b> December 2026
<b>COUNCIL MEMBER ALLOWANCE AND SUPPORT POLICY</b>		

## Policy Statement

### 1. Introduction

- 1.1. The Copper Coast Council ('Council') 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 ('Act') and the Local Government (Members Allowances and Benefits) Regulations 2010 ('Regulations').
- 1.2. The Council Member Allowance and Support Policy ('Policy') sets out the provisions of the Local Government 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 Local Government 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.

### 2. Scope

- 2.1. Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the Act provides that the role of a Council Member, as a member of the governing body of the Council, is:
  - 2.1.1. To act with integrity;
  - 2.1.2. To ensure positive and constructive working relationships within the Council;
  - 2.1.3. To recognise and support the role of the principal member under the Local Government Act;
  - 2.1.4. To develop skills relevant to the role of a member of the Council and the functions of the Council as a body;
  - 2.1.5. To participate in the deliberations and activities of the Council;
  - 2.1.6. To keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
  - 2.1.7. To keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;
  - 2.1.8. To ensure, as far as is practicable, that the principles set out in Section 8 of the Act are observed;
  - 2.1.9. To participate in the oversight of the Chief Executive Officer's performance under the Council's contract with the Chief Executive Officer; and
  - 2.1.10. To serve the overall public interest.

- 2.2. Section 58 of the Act specifies the role of the Principal Member as leader of the Council is:
  - 2.2.1. To provide leadership and guidance to the Council; and
  - 2.2.2. To lead the promotion of positive and constructive working relationships among members of the Council; and
  - 2.2.3. To provide guidance to Council Members on the performance of their role, including on the exercise and performance of their official functions and duties; and
  - 2.2.4. To support Council Members' understanding of the separation of responsibilities between elected representatives and employees of the Council; and
  - 2.2.5. To preside at meetings of the Council; and
  - 2.2.6. To liaise with the Chief Executive Officer between Council meetings on the implementation of a decision of the Council; and
  - 2.2.7. To act as the principal spokesperson of the Council; and
  - 2.2.8. To exercise other functions of the Council as the Council determines; and
  - 2.2.9. To carry out the civic and ceremonial duties of the office of Principal Member.
- 2.3. 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.
- 2.4. This Policy, in its entirety, will automatically lapse at the next general election of this Council.

### 3. Legislation Framework

- 3.1. The following legislation applies to this Policy:
  - 3.1.1. Local Government Act 1999
  - 3.1.2. Local Government (Members Allowances and Benefits) Regulations 2010
  - 3.1.3. Local Government (Elections) Act 1999.
- 3.2. This Policy covers the following provisions of the Act:
  - 3.2.1. Allowance (Section 76)
  - 3.2.2. Reimbursement of specific expenses (Section 77)  
Section 77(1)(b) of the Act specifies the type of expenses that will be reimbursed without requiring a separate approval of Council each time a claim is made.
  - 3.2.3. Provision of facilities and support (Section 78) and
  - 3.2.4. Register of Allowances and Benefits (Section 79).
- 3.3. This Policy is a mandatory requirement and is essential for good governance.

### 4. Integration with Corporate Objectives

- 4.1. This Policy supports Council's Strategic Plan 2019 - 2029
  - 4.1.1. Governance Objective – Leadership
    - Goal 5: To provide leadership and ensure resources are managed efficiently and effectively.
    - 5.3 Legislation: To adhere to the requirements of the Act 1999, regulations and other legislation that influences the operations of Council.

## 5. Related Council Policies and Documents

- 5.1. This Policy is also designed to operate in conjunction with other Council policies, including but not limited to:
- Behaviour Management Policy
  - Code of Conduct for Council Members
  - Council Induction Policy
  - Council Member Training and Development Policy
  - Gifts and Benefits Policy
  - Public Interest Disclosure Policy
  - Fraud and Corruption, Misconduct and Maladministration Policy

## 6. Definitions

For the purposes of this Policy, the following definitions apply:

- 6.1. **Authorised Officer** is defined as an Authorised person delegated authority under Section 44 of the Local Government Act 1999.
- 6.2. **Chief Executive Officer (CEO)** means the appointed Chief Executive Officer under Section 96 of the Local Government Act 1999 and includes any person acting or delegated by the Chief Executive Officers under Sections 100 and 101 of the Local Government Act 1999.
- 6.3. **Council** means the Copper Coast Council and any delegate of the Council.

## 7. Application

- 7.1. The Policy objective is to ensure Council Member allowances, the reimbursement of expenses, and the provision of benefits, facilities, and support by the Council are in accordance with the requirements of the Local Government Act and the Allowances Regulations.
- 7.2. This Policy applies to all Council Members, who each have an obligation to abide by this Policy.
- 7.3. The Council's Chief Executive Officer has the duty to:
- 7.3.1. Maintain the Register of Allowances and Benefits;
  - 7.3.2. Adjust allowances paid to Council Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index (CPI)); and
  - 7.3.3. Implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure; and
  - 7.3.4. Ensuring a copy of this Policy is provided to all Council Members.
- 7.4. This Policy is underpinned by the following principles:
- 7.4.1. Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
  - 7.4.2. 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 covered within this Policy.

- 7.4.3. Facilities and support provided to Council Members will be provided on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).
- 7.4.4. 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 Act.
- 7.4.5. Council encourages continued professional education 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.
- 7.4.6. The accountability of the Council to its community for the use of public monies.

## 8. Allowances

- 8.1. Council Member allowances are determined by the Remuneration Tribunal on a four-yearly basis with each determination required to be made 14 days before the close of nominations for each set of periodic elections held under the Local Government (Elections) Act 1999.
- 8.2. The relevant determination for the Council term commencing in November 2022 is Determination No. 2 of 2022 – Allowances for Members of Local Government Councils.
- 8.3. The allowance determined by the Remuneration Tribunal will be payable for the period:
  - 8.3.1. Commencing on the conclusion of the 2022 periodic election; and
  - 8.3.2. Concluding at the time the last result of the 2026 periodic election is certified by the Electoral Commissioner under the Local Government (Elections) Act 1999.
- 8.4. The annual allowance for a Council Member is determined according to the relevant Council Group. There are six Council Groups which are each explained within the Determination of the Remuneration Tribunal.
- 8.5. Copper Coast Council has been identified as falling within Group Number: 3 in the current Remuneration Tribunal Determination, with an initial Council Member annual allowance of \$15,381.
- 8.6. The annual allowance for:
  - 8.6.1. Principal Members, is equal to four times the annual allowances for Council Members;
  - 8.6.2. 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 allowance for Council Members;
- 8.7. An additional allowance in the form of a Sitting Fee is also payable for Council Members who are Presiding Members of other committees (who are not Deputy Mayors, or Presiding Members of prescribed committees).
- 8.8. Council Member allowances are to be adjusted on the first, second, and third anniversaries of the relevant periodic elections to reflect changes in the CPI (All groups index for Adelaide). Adjustments will occur on 10 November 2023, 10 November 2024, and 10 November 2025. The change in the CPI to be applied will be the most recently available annual percentage change in the CPI as at the date of adjustment (eg most likely the September quarter figure).

- 8.9. In accordance with Regulation 4 of the Allowances Regulations (and for the purposes of Section 76 of the Act), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.
- 8.10. A member may decline to accept payment of part or all of an allowance (Section 76(12) of the Local Government Act).
- 8.11. 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 Commissioner of South Australia makes the final declaration of the results of the elections).
- 8.12. Council Member allowances will be paid on a quarterly basis, in advance by electronic funds transfer to a nominated bank account.
- 8.13. A statement of earnings will be provided to Council Members at the conclusion of each financial year.

#### **9. Leave of Absence – Council Member Contesting Election**

- 9.1. If a Council Member stands as a candidate for election as a member of State Parliament, Section 55A of the 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.
- 9.2. During the leave of absence period the Council Member is not entitled to receive any allowance or reimbursement of expenses; and must not use any facility, service or other form of support provided by the Council; and must not carry out any function or duty as a Council Member.
- 9.3. A maximum penalty of \$15,000 applies for a breach of this Section of the Act.

#### **10. Mandatory Reimbursements - Travel**

- 10.1. 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).
- 10.2. A 'prescribed meeting' is defined under the Allowances Regulations to mean a meeting of the Council or Council committee, or an Information or Briefing Session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member.
- 10.3. Reimbursement for travel expenses is restricted to 'eligible journeys' (as defined in Regulation 3) provided the journey is 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 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.
- 10.4. An 'eligible journey' means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.

- 10.5. Where a Council 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<sup>1</sup>.
- 10.6. 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.
- 10.7. Travel reimbursements will be paid in arrears, on a quarterly basis, on receipt of a completed Council Member Reimbursement Claims Form by electronic funds transfer to a nominated bank account.

#### **11. Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a))**

- 11.1. Council Members are entitled to reimbursement for child/dependant care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member's attendance at a prescribed meeting.
- 11.2. Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.
- 11.3. Child/dependant care will be paid in arrears, on a quarterly basis, on receipt of a completed Council Member Reimbursement Claims Form by electronic funds transfer to a nominated bank account.

#### **12. Additional Expense Reimbursements (Section 77(1)(b))**

- 12.1. There may be additional expenses incurred by Council Members (not included in the mandatory reimbursements outlined above) that can be reimbursed by the Council.
- 12.2. Section 77(1)(b) of the Act provides that the Council may approve the reimbursement of additional expenses incurred by Council Members, as provided for in the Allowances Regulations, either on a case-by-case basis or under a policy adopted by Council.
- 12.3. Regulation 6 sets out the following additional expenses that may be reimbursed under Section 77(1)(b) of the Act with the approval of the Council:
  - 12.3.1. an expense incurred in the use of a telephone or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
  - 12.3.2. travelling expenses incurred by the Council Member as a consequence of the Council Member's attendance at a function or activity on the business of the Council (other than for which the Council Member is reimbursed under Section 77(1)(a) of the Act);
  - 12.3.3. travelling expenses incurred by the Council Member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the Council;

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<sup>1</sup> Section 28.25 of the *Income Tax Assessment Act 1997* (Cwth) relates to the 'cents per kilometre' method. The Commissioner for Taxation may, by legislative instrument, determine rates of cents per kilometre for cars for an income year. Refer to ato.gov.au for cents per kilometre rates.

- 12.3.4. expenses for the care of a child of the Council Member; or a dependant of the Council Member requiring full-time care incurred by the Council Member as a consequence of the Council Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under Section 77(1)(a) of the Act); and
- 12.3.5. expenses incurred by the Member as a consequence of the Council Member's attendance at a conference, seminar, training course, or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of a Council Member (other than for which the member is reimbursed under Section 77(1)(a) of the Act).
- 12.4. For the purposes of this Policy, and pursuant to Section 77(1)(b) of the Act, the Council approves the reimbursement of additional expenses of Council Members as described below.
- 12.5. Travel
- 12.5.1. Travel related to attendance at a Council or Council committee meeting being an 'eligible journey' (as defined in Regulation 3) outside the Council area, provided the journey is by the shortest or most practicable route, will be paid in accordance with Clause 10.5 and 10.6.
- 12.5.2. Council Members will receive reimbursement for expenses incurred in travelling to a function or activity on Council business. The following conditions apply to these expenses:
- travel both within and outside the Council area must be incurred by the Council Member as a consequence of attendance at a function or activity on the business of Council. A 'function or activity on the business of the Council' includes official Council functions including Mayoral 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; meetings of community groups and organisations as a Council representative; but not to attend meetings of community groups or organisations when fulfilling the role as a Member of the Board of any such community group or organisation.
  - reimbursement is restricted to the shortest or most practicable route.
  - where a Council 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.
  - car parking fees will be reimbursed (where they are a consequence of a Council Member attending a function or activity on the business of the Council).
  - travel by taxi, bus, plane, or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Member's attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route.

## 12.6. Travel Time Payment

12.6.1. Pursuant to the Determination made by the Remuneration Tribunal, Council Members (excluding Principal Members) of non-metropolitan Councils are eligible for payment for a travel time payment where the Council Member's usual place of residence is within the relevant Council area and is located:

- a) at least 30kms but less than 50km distance from that Council's principal office, via the most direct road route;
- b) at least 50km but less than 75km distance from that Council's principal office, via the most direct road route ;
- c) at least 75kms but less than 100kms from that Council's principal office, via the most direct road route;
- d) 100km or more distance from that Council's principal office, via the most direct road route.

12.6.2. If eligible, this payment is made to a Council Member in addition to any entitlement to reimbursement of other expenses actually incurred.

## 12.7. Care and Other Expenses

The following Care and Other expenses incurred by a Council Member are eligible for reimbursement:

12.7.1. Expenses incurred for the care of a child of a Council Member or a dependant of the Council Member requiring full-time care as a consequence of the Council Member's attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the Act).

12.7.2. Expenses incurred by the Council Member as a consequence of the Council 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 Council Member (other than expenses for which the Member is reimbursed under section 77(1)(a) of the Act). Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council or under delegation/policy, eg under Council's 'Council Member Training and Development Policy'. Where attendance at the conference, seminar etc is approved, the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, and car parking.

12.7.3. Receipts confirming the expenditure has been incurred must be provided with the claim made for reimbursement.

## 12.8. Facilities and Support

12.8.1. In addition to allowances and the reimbursement of expenses, the Act provides that the 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).



- 12.8.2. 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:
- Ipad or Laptop, Pen, Charge and associated Software
  - Business cards
  - Yorke Peninsula Country Times - online subscription
  - Access to the Willamulka Meeting Room at the Kadina Council Office (by appointment).
- 12.8.3. The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the Act on the following basis:
- The facilities 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
  - The facilities should not be used for a private purpose or any other purpose unrelated to official Council functions and duties; however, Council Members may use the tablet computer for incidental private use that results in no additional data, application or other charges to Council.
- 12.8.4. 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:
- Mobile telephone;
  - Motor vehicle;
  - Office space (Principal Member may use the facilities for incidental private use);
  - Provision of executive clerical support;
  - Provision of media and communications support; and
  - Payment for the Mayor's Partner to accompany the Mayor to six (6) functions per financial year.
- 12.8.5. There could be circumstances arise which may necessitate someone else, other than the Principal Member, Acting Principal Member or Council Members, to drive a Council vehicle given the distance of travel, time of travel, weather conditions, health issues, driving convenience and the like. In these circumstances the driving of the Council vehicle could be extended to the spouse or partner of the Principal, Acting Principal Member or Council Members.
- 12.8.6. At other various times, circumstances may arise which are outside the bounds of this Policy and in these circumstances the prior approval from the Chief Executive Officer must be obtained, i.e. the spouse or partner may not be available to share the driving but a member of the family is.
- 12.8.7. To enable Council to assess this frequency, the Chief Executive Officer will be required to include these details in a report to Council when the Policy is being reviewed.

12.8.8. In addition, Council has determined that the provision of the above facilities and support are made available to Council Members (including the Principal member) 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 and any remaining unused consumables 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.

12.8.9. 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 a 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.

#### 12.9. Claiming Reimbursements

12.9.1. For the purposes of administrative efficiency, Council Members are requested to submit all claims for reimbursement for expenses to the Executive Assistant on the Council Member Expense Reimbursement Claim Form along with receipts confirming the expenditure has been incurred.

### 13. Register of Allowances and Benefits

13.1. Pursuant to Section 79(1) and (2) of the Act, the Chief Executive Officer must maintain a Register in which they shall ensure that a record is kept of:

13.1.1. The annual allowance payable to a Council Member (in the case of Section 79 (1)(a)); and

13.1.2. Any expenses reimbursed under Section 77(1)(b) of the Act (in the case of Section 79(1)(b)); and

13.1.3. Other benefits paid or provided for the benefit of the Member by Council (in the case of Section 79(1)(c)); or

13.1.4. 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).

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

### 14. Complaints

14.1. Complaints under this Policy must be in writing to the Chief Executive Officer and lodged in accordance with Council's Complaints Policy.

**15. Council Delegation**

- 15.1. Pursuant to Section 44 of the Local Government Act 1999, Council has delegated to the Chief Executive Officer authority to administer Council’s policies.
- 15.2. This Policy will be implemented by the Chief Executive Officer or relevant portfolio Director and managed in accordance with Council’s scheme of delegations.

**16. Adoption and Review**

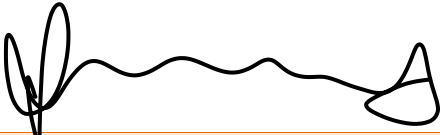

- 16.1. An annual review of allowances and benefits paid to Council Members will be undertaken as Council identifies necessary, or legislation requires.
- 16.2. This Policy will lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Members’ allowances, reimbursements, and benefits for their term in office (Section 77(2) of the Local Government Act).

**17. Records Management**

- 17.1. Official records will be managed in accordance with Council’s Records Management Policy pursuant to Section 125 of the Local Government Act 1999.

**18. Availability of Policy**

- 18.1. Policies will be available for inspection without charge at Council’s Principal Office and on Council’s website [www.coppercoast.sa.gov.au](http://www.coppercoast.sa.gov.au).
- 18.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils’ Register of Fees and Charges.
- 18.3. The Register of Allowances and Benefits is also available for inspection by members of the public, free of charge, at the Council’s principal office during ordinary business hours.

Signed		
	Mayor	Chief Executive Officer
Date	7 <sup>th</sup> December 2022	