



Elected Members' Allowances and Benefits Policy

Strategic Reference	Provide leadership, good governance, and efficient, effective and responsive Council services
File Reference / Record No	18/067/229/3
Responsibility	Governance
Version Number	Version 3.3
Last Revised Date	March 2024
Minute Book Reference	C24049
Next Review Date	November 2026
Applicable Legislation	Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010
Related Policies	Elected Member Behavioural Management Policy Caretaker Policy
Related Procedures / Documents	Register of Allowances and Benefits Information & Communication Technology Council Member Usage Agreement Mileage Claim Form IT Expense Claim Form Behavioural Management Framework Determination of the Remuneration Tribunal Allowances for Members of Local Government Councils.

1. Objective

- 1.1. The District Council of Yankalilla ("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*

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Government Act 1999 ("the Local Government Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Allowances Regulations").

- 1.2. This 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.
- 1.3. Council Members are paid an allowance for performing and discharging their functions and duties on Council. *Section 59* of the Local Government Act provides that the role of a Council Member, as a member of the governing body of the Council, is:
- (i) to act with integrity;
 - (ii) to ensure positive and constructive working relationships within the council;
 - (iii) to recognise and support the role of the principal member under the Local Government Act;
 - (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body;
 - (v) to participate in the deliberations and activities of the council;
 - (vi) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and
 - (vii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;
 - (viii) to ensure, as far as is practicable, that the principles set out in section 8 of the Local Government Act are observed;
 - (ix) to participate in the oversight of the chief executive officer's performance under the council's contract with the chief executive officer; and
 - (x) to serve the overall public interest.
- 1.4. *Section 58* of the Local Government Act specifies the role of the Principal Member as leader of the Council is to:
- (a) to provide leadership and guidance to the council; and
 - (b) to lead the promotion of positive and constructive working relationships among members of the council; and
 - (c) 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
 - (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
 - (e) to preside at meetings of the council; and

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- (f) to liaise with the Chief Executive Officer between council meetings on the implementation of a decision of the council; and
 - (g) to act as the principal spokesperson of the council; and
 - (h) to exercise other functions of the council as the council determines; and
 - (i) to carry out the civic and ceremonial duties of the office of principal member.
- 1.5. 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 Local Government Act.
- 1.6. This Policy, in its entirety, will automatically lapse at the next general election of this Council.

2. Policy Objective

- 2.1. 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.

3. Scope & Responsibilities

- 3.1. This Policy applies to all Council Members, who each have an obligation to abide by this Policy.
- 3.2. The Council's Chief Executive Officer has the duty to:
- (a) maintain the Register of Allowances and Benefits;
 - (b) 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
 - (c) ensure copies of this Policy are published on a website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.
- 3.3. In addition, the Chief Executive Officer is responsible for:
- (a) implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure; and
 - (b) ensuring a copy of this Policy is provided to all Council Members.

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4. Policy

Members' allowances

- 4.1. 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*.
- 4.2. The relevant determination for the Council term commencing in November 2022 is [Determination No. 2 of 2022 – Allowances for Members of Local Government Councils](#).
- 4.3. The annual allowance for:
- (a) principal members, is equal to four times the annual allowances for council members;
 - (b) deputy mayor or deputy chairperson 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;
- 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, deputy chairpersons or presiding members of prescribed committees).
- 4.4. 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 Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).
- 4.5. A statement of earnings will be provided to Council Members at the conclusion of each financial year.
- 4.6. The annual allowance for Elected Members is payable quarterly in advance.
- 4.7. The allowance may be expended at the absolute and unfettered discretion of the Elected Member.
- 4.8. The allowance provided under *Section 76* is all-inclusive with the following exceptions:
- 4.8.1. The Mayor in lieu of being providing a Council car and/or reimbursement of vehicle travelling expenses will be allocated a fuel card to be used for the purchase of fuel for their private car when conducting Council business, to a maximum value of \$5,000 per annum.
 - 4.8.2. Elected Members will be provided with a laptop with a data plan for the use of replacing paper-based Council agendas.

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- 4.8.3. Elected Members can seek reimbursement for up to \$30 per month on invoice evidence of mobile phone charges for Council related matters.
- 4.8.4. Elected Members will be provided with business cards and name badges.

Reimbursement of Expenses

- 4.9. In accordance with *Section 77(1)(a)* of the Local Government Act, Members are entitled to reimbursement for certain expenses actually and necessarily incurred by a Member in attending prescribed meetings of Council.

Travelling Expenses

- 4.9.1. 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 Local Government Act).
- 4.9.2. 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:
- 4.9.3. 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 Local Government Act. For reimbursement for travel outside the Council area refer to Prescribed and Approved Reimbursements below.
- 4.9.4. 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.
- 4.9.5. 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.
- 4.9.6. 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.
- 4.9.7. The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

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Child Care / Dependant Care

- 4.9.8. 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.
- 4.9.9. Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

Process

- 4.10. Claims are to be made quarterly or at intervals of not more than three months.
- 4.11. Reimbursement must be for travelling and child care expenses actually and necessarily incurred.
- 4.12. No claims will be entertained for expenses incurred prior to commencement of Council's term.
- 4.13. Substantiating documentation is required to the satisfaction of the Chairperson of the Audit and Risk Committee.
- 4.14. Elected Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. Procedures 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.
- 4.15. Claims must be on such Claim Form as Council from time to time determines.
- 4.16. The Chief Executive Officer is delegated authority to reimburse claims submitted in accordance with the above procedures.

Expenses requiring Council Approval

- 4.17. In accordance with *section 77(1)(b)* and *Regulation 6*, a member is entitled to receive reimbursement of expenses approved by Council either specifically or under a policy established by Council for the purposes of that Section.

Conferences and Seminars

- 4.17.1. The Chief Executive Officer has delegated authority to approve the attendance of Elected Members at relevant non-residential conferences, seminars and workshops held within metropolitan Adelaide.
- 4.17.2. Council will pay, subject to resolution of Council prior to the date of the conference or seminar.

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- (a) Registration fees for all authorised conferences and seminars together with the cost of any associated official functions.
- (b) Child care / dependent care expenses up to the amount specified in the resolution authorising attendance.

4.17.3. For interstate conferences the Council will also pay:

- (a) Travelling costs (economy class) including necessary taxi/rideshare service fares.
- (b) Actual and reasonable costs incurred for accommodation and meals.
- (c) A daily allowance (currently \$25) for incidentals and out of pocket expenses such as laundry, telephone, etc.

4.17.4. Receipts / tax invoices must be submitted with the claim form for reimbursement of expenses incurred under *Section 77(1)(b)*.

4.18. The Chief Executive Officer is delegated authority to reimburse claims submitted in accordance with the above procedures.

Provision of facilities and support

4.19. In accordance with *Section 78* of the Local Government Act, Council may provide facilities to its Members to assist them in efficiently performing their duties.

4.20. Facilities to be provided are as follows:

Mayor

- (a) An office, computer and mobile phone are available for the Mayor should they require them.
- (b) The Mayor will be provided Executive Support.

Other Elected Members

- (a) A computer, printer, photocopier and phone are available for use at the main Council Office, 1 Charles St, Yankalilla. These are shared facilities for all Elected Members and can be booked via the Chief Executive Officer's Executive Assistant.
- (b) The above facilities remain the property of the Council. Any costs incurred in the use of the facilities for other than Council duties are to be reimbursed – unless specifically approved by Council.

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Information Technology (IT) Equipment

- 4.21. Council recognises it is important that Elected Members have reliable electronic access to the internet and email services in order to effectively assist in the performance or discharge of their official duties.

Corporate IT equipment is offered to Elected Members to assist them with their Council business. These resources are to be used for the purposes of undertaking their roles as Elected Members.

This equipment is not intended for personal use. Any personal use of these IT resources will be recorded by the Elected Member and reimbursement may be required, if so directed by the CEO.

- 4.22. Each Elected Member will be provided a District Council of Yankalilla email account. This email account must be used for all Council related business. The email address, preferred postal address, and contact number/s for each Elected Member will be provided on Council's website.
- 4.23. Council will also supply Elected Members with Council relevant authorised software; training and other general support; repair and maintenance for Council issued hardware/devices.
- 4.24. Elected Members are to provide their Council issued device to the relevant staff member within seven (7) days of request for maintenance and updates.
- 4.25. Any theft, loss or damage must be reported to the CEO as soon as practicable.
- 4.26. All Elected Members must agree to and sign the Information & Communication Technology Council Member Usage Agreement.

Meals and Refreshments

- 4.27. A meal may be provided when attending Council meetings, Council committee meetings, briefings and workshops that are not expected to be completed by 6:30pm.
- 4.28. Tea and coffee making facilities will be available for the reasonable use of Members, their guests and visitors.

Register of Benefits

- 4.29. A schedule showing prescribed payments made to Elected Members pursuant to Section 79(1)(b) of the Local Government Act is to be maintained and inserted in the Register of Allowances and Benefits at quarterly intervals.

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Determination of the Remuneration Tribunal

- 4.30. In accordance with the Determination of the Remuneration Tribunal dated 15 November 2022 with effect from the first ordinary meeting of the Council held after the conclusion of the 2022 Local Government Elections the following allowances are payable.

Position	Allowance Amount
Elected Member	\$10,955
Deputy Mayor	\$13,693
Mayor	\$43,820

- 4.31. Adjustments will be determined on a 12 monthly basis and applied.

5. Further Information

This policy will be available for inspection at the Council office listed below during ordinary business hours and provided to interested parties as per Council's Fees and Charges Register. Copies are available to be downloaded, free of charge, from Council's website: www.yankalilla.sa.gov.au/policies

District Council of Yankalilla
1 Charles Street
Yankalilla 5203

Phone: (08) 8558 0200
Fax: (08) 8558 2022
Email: council@yankalilla.sa.gov.au
Office hours: Monday to Friday, 9.00am to 5.00pm (except public holidays)

6. Grievances

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

7. Review Cycle

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) Local Government Act*).

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Document History

Date	Version	Council Resolution No.	Description of changes
November 2018	3.1	C18206	Adoption of Policy
November 2022	3.2	C22239	Review of Policy
March 2024	3.3	C24049	Review of Policy. Inclusion of Sections 4.21 – 4.26 Information Management (IT) Equipment Minor formatting and language changes.

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