

## Council Members' Allowances and Benefits

Classification:	Council Policy
First Issued / Approved:	May 2003
Last Reviewed:	9 November 2021, C091121/13004 13 December 2023, C121222/13325
Next Review:	This Policy will expire at the conclusion of the next general election in November 2026.
ECM tracking number:	986508
Responsible Officer:	Chief Executive Officer
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Members Allowances and Benefits) Regulations 2010</i> <i>Local Government (Elections) Act 1999</i>
Related Policies:	Behavioural Standards for Council Members Council Members' Training and Professional Development Council Members'

### 1. Introduction

- 1.1 The City of Burnside ensures 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) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations).
- 1.2 Council ensures that the necessary facilities, support, and benefits are made available to all Council Members, on an equal basis, to enable them to undertake their official duties and functions effectively and expediently.

### 2. Strategic Plan Desired Outcomes

- Principle:* 4. Governing with Integrity
- Themes:* Spans all Strategic Plan Themes
- Goals:* Spans all Strategic Plan Goals
- Priorities:* Spans all Strategic Plan Priorities

### 3. Our Approach

- 3.1 Council will ensure that the payment of Council Member allowances, the reimbursement of expenses and the provision of facilities and support is transparent and in accordance with Council's commitment to accountability to the community for its use of public monies.
- 3.2 This Policy applies to all Council Members.

#### 4. Legislative Requirements and Corporate Policy Context

- 4.1 Part 5 of Chapter 5 of the Act sets out the requirements for the setting of allowances and benefits for Council Members. The rates of the allowances are set by the Remuneration Tribunal and are adjusted annually (aside from an Election year) to reflect changes in the Consumer Price Index. The Council may provide facilities and other forms of support to the Members to assist the Members in performing or discharging official functions and duties.
- 4.2 Section 77(1)(b) of the Act allows Council to specify in a policy, the types of expenses that will be reimbursed without the need for specific approval of Council each time a claim is made. Without an adopted Policy, the power to approve these reimbursements cannot be delegated.
- 4.3 Section 55A of the Act suspends a Council Member from office when they stand as a candidate for election as a member of the Parliament of South Australia. The leave of absence commences at the date on which the nominations close until the result of the election is publicly declared and includes all positions which the council member holds in their capacity as a council member. During this leave of absence, the Council Member is not entitled to receive any allowance, receive any reimbursement of expenses or is able to use any facility or other form of support provided to council members to assist in their official duties other than those available to the public.

#### 5. Interpretation

**Act** means the *Local Government Act 1999*

**CEO** refers to the Chief Executive Officer

**Consumer Price Index** means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics.

**Council Members** refers to the elected representatives of the community, including the Mayor and all Councillors.

**Conclusion of the Election** is as defined in section 4(2) of the *Local Government Act 1999*.

**Eligible journey** means a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting.

**Facilities** means any property or assets owned by the Council and includes (but is not limited to) buildings, meeting rooms, mobile phones, tablets, email, scanner, printers etc.

**Prescribed and Non-Prescribed Committees** are the classifications applied by the South Australian Remuneration Tribunal for the purpose of determining the allowance to be paid to the Presiding Member of a Council Committee

**Prescribed meeting** is defined under the Regulations to mean 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 member.

**Training and development activity** means forums, seminars, meetings, training, conferences, programs, briefing sessions and workshops.

## 6. Policy

### Members' Allowances

- 6.1 In accordance with Section 76 of the Act, a member of a Council is entitled to receive an annual allowance from the Council for performing and discharging official functions and duties.
- 6.1.1 Council Member allowances are determined by the South Australian Remuneration Tribunal on a four-yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*. This period commences at the conclusion of the 2022 periodic election and concludes at the time the last result of the 2026 periodic election is certified by the Electoral Commissioner under the *Local Government (Elections) Act 1999*.
- 6.1.2 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.
- 6.1.3 The annual allowance for a Council Member<sup>1</sup> is determined according to the relevant Council group
- 6.1.4 In addition to their Council Member Allowance, a Member who is appointed as a Presiding Member of a Council Committee, constituted in accordance with section 41 of the Act, is entitled to an additional allowance determined by the Remuneration Tribunal. The amount of this allowance is dependent on the classification of the Council and whether the Committee is classified as a prescribed or non-prescribed Committee.
- 6.1.5 The allowance, determined by the Remuneration Tribunal will be paid monthly in arrears for Council Members. The payment will be made by electronic funds transfer (EFT) on or before the 28th day of each month.
- 6.1.6 The allowance may be expended at the absolute and unfettered discretion of the Council Member.
- 6.1.7 In accordance with section 55A allowances will not be paid to members who are on a leave of absence under this section.

### Reimbursement of Expenses under Section 77(1) (a) of the Act

- 6.2 In accordance with Section 77(1) (a) of the Act, Members are entitled to reimbursement for certain expenses actually and necessarily incurred by a Member in attending prescribed meetings of Council. In accordance with section 55A of the Act Council Members who are on a leave of absence under this section are not eligible for reimbursement of expenses during their absence.

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<sup>1</sup> A member of a council 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 (section 76(11) of the Act)

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### *Travel Expenses*

- 6.2.1 Members are entitled to reimbursement for travel expenses in travelling to or from a prescribed meeting for Council (by the shortest and most practicable route).
- 6.2.2 Travelling outside the council area to attend Council or Council committee meetings is not reimbursable under section 77(1) (a) of the Act and section (5) (1) (a) and section 5(2) of the Regulations.
- 6.2.3 The rate of reimbursement for motor vehicle costs will be at a rate 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* (Cwth) using the ATO Cents Per Kilometre Calculator.

### *Child Care / Dependant Care*

- 6.2.4 Members are entitled to reimbursement for child / dependent care expenses actually incurred in respect of children or dependants requiring full time care whilst the Member attends prescribed meetings of Council.
- 6.2.5 Child / dependent care provided by a person ordinarily residing within the Member's household will not be eligible for reimbursement.

### **Additional Reimbursement and Support – Section 77(1) (b) of the Act**

- 6.3 In accordance with Section 77(1)(b), a member is entitled to receive reimbursements for additional prescribed expenses incurred by Council Members, either on a case-by-case basis or under a policy adopted by Council. In accordance with section 55A of the Act Council Members who are on a leave of absence under this section are not eligible for reimbursement of expenses during their absence. This Policy sets out the types of approved expenses that may be reimbursed and have been included below.

### *Expenses incurred while attending Training and Development Activities*

- 6.3.1 Expenses incurred by a Council Member because of a Council Member's attendance at a conference, seminar, training course or other similar activity in Australia that is directly or closely related to the performance or discharge of the roles or duties of a Council Member as follows:
  - 6.3.1.1 In case of conferences and seminars, expenses will only be reimbursed after receipt of a written report to Council.
  - 6.3.1.2 The CEO has delegated authority to approve the attendance of Council Members at relevant non-residential conferences, seminars and workshops held within metropolitan Adelaide up to the value of \$750 for each training activity. Any amount above this will require Council approval.
- 6.3.2 Where attendance at the conference, seminar etc is approved, the following types of expenses can be reimbursed:
  - 6.3.2.1 registration fees, for all authorised conferences and seminars together with the cost of any associated official

functions, if booked after approval to attend training is sought and approved by Council/CEO.

- 6.3.2.2 childcare / dependent care expenses up to the amount specified in the resolution authorising attendance.
- 6.3.3 For interstate conferences the Council will also pay:
  - 6.3.3.1 travelling costs (economy class) including necessary taxi fares;
  - 6.3.3.2 actual costs incurred for accommodation and meals in accordance with the ATO Taxation Determination for reasonable travel and overtime meal allowance expense amounts for each financial year. Meal expenses will only be reimbursed if they are not included in the conference program.
- 6.3.4 All taxi fares, childcare/dependent care expenses and meal expenses will be reimbursed after the event and will not be paid for in advance.
- 6.3.5 Reimbursements will not be made for expenses in excess of ATO guideline amounts.
- 6.3.6 Any purchases of alcohol will not be reimbursed.

## **Provision of facilities and support**

### *General Principles*

- 6.4 Section 78 of the Act provides that Council can provide facilities and forms of support for use by its Council Members on an equal basis to assist them in effectively performing their duties.
- 6.5 In accordance with the provisions of the Code of Conduct for Council Members, a Council Member must not use any facilities and services for a purpose unrelated to the performance or discharge of official functions or duties unless they have obtained the prior approval of the Council.
- 6.6 Any items provided to a Member always remains the property of Council and is insured through Council's insurers.
- 6.7 Council Members who resign, retire, or are not re-elected will be required to return equipment supplied by the Council immediately at the end of the Council Member's term of office, or at any other time as determined by the Chief Executive Officer.
- 6.8 Council members who are on a leave of absence under section 55A of the Act are required to:
  - 6.8.1 Return all equipment, facilities and support supplied by the council at the commencement of the leave of absence.
  - 6.8.2 not access any council buildings, systems or any other form of support during the period of the leave of absence other than those available to the public.

During the period of the leave of absence/suspension all of the facilities and support outlined in this section will be asked to be returned or disabled.

- 6.9 If a Council Member requires any goods or services not already included in this Policy, a written request is required to be provided to the CEO. The

CEO can then determine whether to approve the request or if Council approval is required.

#### *Council Members – Facilities and Support*

- 6.10 Pursuant to Section 78 of the Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for Council Members to assist them in performing or discharging official functions and duties and is subject to budget funding:
- 6.10.1 a Name badge;
  - 6.10.2 Business cards (available on request);
  - 6.10.3 one Car parking permit for use at the Burnside Civic Centre in the sign posted staff car parking area when on council business;
  - 6.10.4 access to a shared online subscription to The Advertiser;
- 6.11 Council Members' Area
- 6.11.1 The Council Members' Area can be used to conduct Council business anytime except at the times when Council and Committees sit.
  - 6.11.2 Members of the public and guests should not be admitted to the Council Members' room except by invitation of, and when accompanied by a Council Member to discuss matters of Council business.
  - 6.11.3 The Council Members' area is not available for use by members for the two hours prior to Council, Committee meetings or Trainings and Information/Briefing Sessions (if being held in the Chamber).
  - 6.11.4 The Council Members' room will be provided with coffee tea, biscuits and soft drinks, in accordance with the annual budget set by Council.
- 6.12 Information Technology
- 6.12.1 The Council has approved the following Information Technology equipment to be provided to Council Members:
    - 6.12.1.1 Tablet PC with a compatible mouse.
      - This device replaces the distribution of hard copy documents and agendas to Council Members and should be used for Council business only.
      - Due care and diligence in protecting this device is required and in the event the device is lost, stolen, or damaged, the Office of the CEO should be notified.
      - The devices must be returned to Council's IT team upon cessation of the Council Member term in office or if otherwise requested.
    - 6.12.1.2 Data plan for use with the Council supplied device to a reasonable amount, subject to the Council's Telecommunications Agreement.
    - 6.12.1.3 A workstation consisting of monitor(s), a printer (including photocopier and scanner), a phone or phone calling

software and a docking station to use with the Council issued Tablet will be available in the Council Members' Area for use by all Council Members for Council business only.

6.12.1.4 A printed copy of Council documents will be delivered upon request to the Council Members' homes.

## 6.13 Additional Facilities for the Mayor

6.13.1 In addition to the above, Council has resolved to make available to the Principal Member the following additional facilities and support to assist them in performing and discharging their official functions and duties:

6.13.1.1 Mayor's Parlour (also available to any acting Principal Member or Deputy Mayor appointed during the Principal Member's absence) and associated provisions including coffee, tea, biscuits, stationery, postage and general expenses of the Mayor's Office, in accordance with the budget set by the Council annually.

Should any other supplies be required, a written request from the Mayor is required to be provided to the CEO. The CEO will then determine whether to approve the request or if Council approval is required.

6.13.1.2 Mayor's Parlour will be provided with a workstation consisting of monitor(s) and a docking station to use with the Council issued tablet.

6.13.1.3 Mayor's Parlour is to be used for official civic functions, Mayoral business and on other occasions only by the discretion and invitation of the Mayor.

6.13.1.4 Administrative support, mobile phone, and a reserved car parking space at the Burnside Civic Centre are provided to the Principal Member.

## 6.14 Meals and Refreshments

6.14.1 A meal will be provided to Council Members prior to a Council meeting as determined by the Presiding Member in consultation with other Council Members.

6.14.2 Light refreshments will be provided for Committee Meetings, Council Assessment Panel Meetings, Training sessions and Information or Briefing sessions for Council and Independent Members.

6.14.3 Whilst consumption of alcohol is permitted at the Council Members own responsibility, it should be noted that Council will not fund the purchase of alcohol for Council Members and/or Committee Members.

## 6.15 Insurance

6.15.1 Council Members will be covered by Council insurance for matters relating to performing and discharging of official functions and duties in accordance with section 80 of the Act.

## Expenses and Support requiring Council Approval

- 6.16 Expenses, additional reimbursements and facilities and support not detailed in the Policy may require the specific approval of Council prior to expenses being incurred, additional reimbursements being paid, benefits being received, and facilities and/or support being provided.

### *Reimbursement Process*

- 6.17 Claims are to be made within 3 months of the date of the expense being incurred.
- 6.18 Council Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed.
- 6.19 Reimbursement must be for expenses actually and necessarily incurred.
- 6.20 Claims for reimbursements, other than vehicle expenses, can only be made with the submission of a tax invoice/receipt.
- 6.21 Tax receipts must include an ABN number to comply with Goods and Services Tax (GST) requirements and submitted on the relevant form, as determined by Council from time to time.
- 6.22 An EFTPOS Receipt is not considered a Tax Invoice and will not be reimbursed. If a Tax Invoice is lost or misplaced, a Statutory Declaration is required to be provided with details of the transaction and justification of how it related to Council business.
- 6.23 Payment will be made within 30 days from the date of approval of each Members claim.
- 6.24 No claims will be entertained for expenses incurred prior to commencement of Council's term.
- 6.25 Claims must be submitted through the Council Member Portal for processing and reimbursement.

### *Register of Benefits*

- 6.26 Pursuant to Section 79(1) and (2) of the Act, a schedule showing prescribed payments made to Council Members is to be maintained with respect to each member of the Council and will include:
- 6.26.1 the annual allowance payable to the member in the case of section 79 (1)(a);
  - 6.26.2 details of any expenses reimbursed by the council under section 77(1)(b) of the Act; and
  - 6.26.3 details of other benefits paid or payable to, or provided for the benefit of, the member by the council in the case of section 79(1)(c); and
  - 6.26.4 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).

## 7. Expiry of Policy

- 7.1 This Policy will expire at the conclusion of the next general election.



**8. Availability**

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au).

**9. Further information**

- 9.1 For further information about this Policy please contact:

City of Burnside Civic Centre; 401 Greenhill Road, Tasmore SA 5065  
Telephone; 8366 4200; Email; [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)