



# Council Agenda

## NOTICE OF MEETING

Notice is hereby given that the first ordinary meeting of the 8<sup>th</sup> City of Holdfast Bay Council will be held in the

**Council Chamber – Glenelg Town Hall  
Moseley Square, Glenelg**

**Tuesday 27 November 2018 at 7.00pm**

Justin Lynch  
CHIEF EXECUTIVE OFFICER

## Council Meeting Agenda

### 1. TIME AND PLACE OF FIRST COUNCIL MEETING

*Pursuant to Section 81(4) of the Local Government Act 1999 the Chief Executive Officer, Mr J Lynch has determined that the time and place for the first ordinary meeting after the General Election will take place at 7.00pm on Tuesday 27 November 2018, in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg.*

### 2. OPENING

*The Chief Executive Officer, Mr J Lynch will open the meeting at 7.00pm and lead Elected Members into the Chamber in procession.*

### 3. KAURNA WELCOME TO COUNTRY

*Welcome to Country by Kurna Elder, Michael O'Brien.*

Kurna Elders, Jeffrey Newchurch and Lynette Crocker will present a gift to Mayor Wilson for the newly elected members.

### 4. DECLARATION OF RESULTS

*The Chief Executive Officer, Mr J Lynch will read the declaration of the results of the election.*

### 5. DECLARATION OF OFFICE

Section 60 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (General Regulations) 2013* prescribe the declaration to be made before a Justice of the Peace or a person authorised under the *Oaths Act 1936*.

The form of the declaration is the same for all Members including the Mayor.

The Chief Executive Officer will call on Mr Robert Hughes JP, to witness the declarations.

The Mayor, Amanda Wilson will make her Declaration of Office, following which all Members of Council will make their declarations, in turn, before Mr Robert Hughes JP.

Following the swearing in of the Mayor, she will assume the chair of the meeting.

### 6. CONGRATULATORY MESSAGE BY HER WORSHIP THE MAYOR

The Mayor, Amanda Wilson will congratulate the members of the 8<sup>th</sup> Holdfast Bay Council on their election, and acknowledge the contribution made by the previous Council to the City and will welcome members of the gallery.

**7. MESSAGES OF ACKNOWLEDGEMENT FROM THE NEW COUNCIL**

Each member of Council will have the opportunity to acknowledge their family and friends for their on-going support.

**8. APOLOGIES**

8.1 Apologies Received

8.2 Absent

**9. DECLARATION OF INTEREST**

*If a Council Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.*

**10. CONFIRMATION OF MINUTES****Motion**

**That the minutes of the Ordinary Meeting of Council held on 23 October 2018 be taken as read and confirmed.**

Moved Councillor \_\_\_\_\_, Seconded Councillor \_\_\_\_\_

**Carried/Lost**

**11. REPORTS BY OFFICERS**

11.1 Question Laying on the Table (Report No: 363/18)

11.2 Appointment of Deputy Mayor (Report No: 364/18)

11.3 Time and Place for Ordinary Council Meetings (Report No: 365/18)

11.4 Elected Member Entitlements Policy (Report No: 366/18)

**12. URGENT BUSINESS – Subject to the Leave of the Meeting****13. CLOSURE**

*The Mayor, Amanda Wilson will declare the meeting closed at \_\_\_\_\_pm.*

**JUSTIN LYNCH  
CHIEF EXECUTIVE OFFICER**

Item No: **11.1**

Subject: **QUESTION LAYING ON THE TABLE**

Date: 27 November 2018

Written By: Personal Assistant

General Manager: Business Services, Mr R Bria

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## **SUMMARY**

Under the *Local Government (Procedures at Meetings) Regulations 2013 Section 12 (19)* any question that lies on the table as a result of a successful formal motion, lapses at the conclusion of the general election.

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## **RECOMMENDATION**

**That Council notes that the following item has lapsed in accordance with the *Local Government (Procedures at Meetings) Regulations 2013*:**

**Cycling on Footpaths – Councillor Bouchee (Item 16.1, CL100516/388).**

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## **COMMUNITY PLAN**

A Place that Provides Value for Money

## **COUNCIL POLICY**

Not applicable

## **STATUTORY PROVISIONS**

Not applicable

## **REPORT**

**Questions that have lapsed under Regulation 12 of the *Local Government (Procedures at Meetings) Regulations 2013***

The *Local Government (Procedures at Meetings) Regulations 2013* under regulation 12(19) and 12(20) requires the Chief Executive Officer to report at the first ordinary meeting held following the general election, on any questions, subject to formal motions which have lapsed at a general election.

At the conclusion of the general election, Council had one question lying on the table that has now lapsed.

*“That the CEO initiate discussions with other metropolitan councils and DPTI to develop a template or potential changes to legislation for managing:*

- 1. Cyclists riding on footpaths (inclusions/exclusions) – what would be the mechanism for ensuring compliance.*
- 2. How to regulate speed on footpaths and shared paths in general (ie coast park, area between Kent St and Moseley Square) – what would be the mechanism for ensuring compliance.*
- 3. What signage would be required on ground poles on affected pathways.”*

Item No: **11.2**  
Subject: **APPOINTMENT OF DEPUTY MAYOR**  
Date: 27 November 2018  
Written By: Governance Coordinator  
General Manager: Business Services, Mr R Bria

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### **SUMMARY**

Under Section 51 of the *Local Government Act 1999* Council may appoint a Deputy Mayor for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to choose another term, if it chooses.

The Deputy Mayor may act in the absence of the Mayor, in the office of Mayor.

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### **RECOMMENDATION**

**That Councillor \_\_\_\_\_ be appointed as Deputy Mayor for a period of one year, from 27 November 2018 to 1 December 2019.**

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### **COMMUNITY PLAN**

A Place that Provides Value for Money

### **COUNCIL POLICY**

Not Applicable.

### **STATUTORY PROVISIONS**

Local Government Act 1999 – Section 51

## **BACKGROUND**

Council has considered this matter annually as it has chosen to appoint a Deputy Mayor for a term of one year.

## **REPORT**

Under Section 51 of the *Local Government Act 1999*, if the Council has a Mayor, there may also be, if the Council so resolves, a Deputy Mayor. In the absence of the Mayor, the Deputy Mayor may act in the office of the Mayor. If there is to be a Deputy Mayor, he or she will be chosen by the Members of the Council from amongst their numbers and will hold office for a term determined by the Council but not exceeding four years.

Council has previously chosen to appoint a Deputy Mayor for a period of one year.

### ***Role of Deputy Mayor***

The role of the Deputy Mayor is to:

- Chair the meetings of Council in the absence of the Mayor; and
- Act in the position of Mayor when the Mayor is absent, and exercise the powers and perform the functions of the Mayor.

### ***Remuneration of Deputy Mayor***

The Remuneration Tribunal of South Australia in its Determination No.6 of 2018, stated that:

*“The annual allowance for a councillor who is a deputy mayor ... .. will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.”*

As the City of Holdfast Bay is a Group 1B Council, as determined by the Remuneration Tribunal, the annual allowance for a councillor is \$20,630, which equates to \$25,787.50 for the Deputy Mayor.

## **BUDGET**

There are no budget implications associated with this report. The 2018/19 budget includes provision for payment of an allowance to a Deputy Mayor.

## **LIFE CYCLE COSTS**

There are no full life cycle costs associated with this report.

Item No: **11.3**

Subject: **TIME AND PLACE FOR ORDINARY COUNCIL MEETINGS**

Date: 27 November 2018

Written By: Governance Coordinator

General Manager: Business Services, Mr R Bria

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### **SUMMARY**

The *Local Government Act 1999* requires Council to hold at least one meeting per month.

It is a decision of the Council to determine its meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council.

In previous terms, Council has met on the second and fourth Tuesdays of each month (February – November) and once in January and December due to the holiday periods. It is proposed that Council continues this meeting schedule, with the frequency of meetings reviewed in February 2019.

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### **RECOMMENDATION**

1. **That Council continue to meet once in the months of December and January and will meet on 11 December 2018 and 29 January 2019.**
  2. **That Council will meet on the second and fourth Tuesday of each month, commencing in February 2019, except for January and December which will hold a meeting once in each month, due to the holiday periods.**
  3. **That the frequency of meetings will be reviewed by February 2020.**
  4. **That Council will meet in the Council Chamber, Glenelg Town Hall, Moseley Square Glenelg.**
  5. **That Council meetings will commence at 7.00pm.**
  6. **If required a briefing/workshop will be held prior to Council Meetings commencing at 6.00pm**
  7. **If required a briefing/workshop commencing at 6.00pm will be held on the first and third Tuesday of each month.**
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**COMMUNITY PLAN**

A Place that Provides Value for Money

**COUNCIL POLICY**

Not applicable.

**STATUTORY PROVISIONS**

*Section 81 Local Government Act 1999*

**BACKGROUND****REPORT**

Section 81 of the Local Government Act 1999 requires that Council meets at least once per month at a time and place appointed by a resolution of Council.

In the last term of Council, ordinary meetings were held twice per month, on the second and fourth Tuesdays of each month, except in December and January when only one meeting each month was held, taking into account public holidays. This schedule had the benefit of ensuring meeting agendas were kept to a manageable size and allowed matters requiring decisions of Council to be considered in a responsive and timely way. It is proposed that this schedule continue in 2019.

As well as ordinary meetings of Council, workshops and briefings, where required, have been scheduled on the first and third Tuesdays of each month, and before each Council meeting. Workshops and briefings are intended as forums for Elected Members to explore current projects, ideas and opportunities in depth in an informal setting. They also provide occasions for training and development. Workshops and briefings are not decision making forums. It is proposed to continue with the same schedule of workshops and briefings as in the previous term of Council.

Council may choose to amend its schedule of ordinary meetings of council at any time and must do so with a resolution of Council. Given that this is the first year of a new Council, Members may like to review the current meeting schedule within 12 months to assess its effectiveness.

***Proposed Council Meeting Dates for 2018/19:***

Ordinary Meeting of Council	Date/Day	Comments
<b>December 2018</b>	Tuesday 11 December	Allows for public holidays and festive season
<b>January 2019</b>	Tuesday 29 January	As above

<b>February 2019</b>	<b>Tuesday 12 February</b> <b>Tuesday 26 February</b>	<b>As in previous term of Council</b>
<b>March 2019</b>	Tuesday 12 March Tuesday 26 March	
<b>April 2019</b>	Tuesday 9 April Tuesday 23 April	
<b>May 2019</b>	Tuesday 14 May Tuesday 28 May	
<b>June 2019</b>	Tuesday 11 June Tuesday 25 June	
<b>July 2019</b>	Tuesday 9 July Tuesday 23 July	
<b>August 2019</b>	Tuesday 13 August Tuesday 27 August	
<b>September 2019</b>	Tuesday 10 September Tuesday 24 September	
<b>October 2019</b>	Tuesday 8 October Tuesday 22 October	
<b>November 2019</b>	Tuesday 12 November Tuesday 26 November	
<b>December 2019</b>	Tuesday 10 December	Allows for festive season
<b>January 2020</b>	Tuesday 28 January	Allows for festive season

## **BUDGET**

The costs of council meetings, workshops and briefings are included in the current budget.

## **LIFE CYCLE COSTS**

There are no lifecycle costs associated with this report.

Item No: **11.4**

Subject: **ELECTED MEMBER ENTITLEMENTS POLICY**

Date: 27 November 2018

Written By: Governance Coordinator

General Manager: Business Services, Mr R Bria

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### **SUMMARY**

Following a periodic election Council is required to consider its Elected Member Entitlements Policy for the reimbursement of discretionary expenses and determine facilities and support for members.

In accordance with Section 77(2) of the *Local Government Act 1999* the previous Elected Member Entitlements Policy lapsed at the General Election held November 2018 and is required to be reconsidered and adopted by this Council.

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### **RECOMMENDATION**

1. **That the Elected Members Entitlements Policy, presented at Attachment 1 to Report 366/18 be adopted, noting that:**
    - **an IT equipment allowance of \$1,600 for the first year in office, followed by \$1,100 be approved**
    - **each Elected Member is issued with an iPad on a mobile plan to enable them to receive Council communication and documents.**
  2. **Council resolves that the provision of facilities or services is necessary or expedient to the performance or discharge of official functions or duties.**
  3. **That financial support for legal costs associated with a breach of the Code of Conduct for Elected Members provided in accordance with this policy is limited to \$500 for any one matter.**
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### **COMMUNITY PLAN**

A Place that Provides Value for Money

### **COUNCIL POLICY**

Code of Conduct for Elected Members

## **STATUTORY PROVISIONS**

Local Government Act 1999  
Independent Commissioner Against Corruption Act 2013  
Local Government (Elections) Act 1999  
Local Government (Members Allowances and Benefits) Regulations 2010  
Code of Conduct for Elected Members 2013  
Income Tax Assessment Act 1936

## **BACKGROUND**

This is matter to be considered by the new Council.

The previous Entitlements Policy was last reviewed and endorsed by Council in November 2014.

## **REPORT**

Following a general election Council is required to consider and endorse a policy to determine the items for discretionary reimbursement of expenses and the level of the provision of support and facilities for Elected Members.

The adoption of the attached Elected Member Entitlements Policy provides authority for Elected Members to obtain reimbursement of approved expenses and for the provision of support provided to each Member and the Mayor.

*Refer Attachment 1*

The previous Elected Member Entitlement Policy is attached for information. The previous policy has been updated and reformatted therefore tracked changes have not been shown for this reason.

*Refer Attachment 2*

Provision of facilities and services is at the discretion of the Council under section 78(2) of the *Local Government Act 1999* and must comply with the following requirements:

- Council must specifically resolve that the provision of facilities or services is necessary or expedient to the performance or discharge of official functions or duties
- Facilities and services must be available to all Elected Members unless specifically provided for the benefit of the Mayor
- Any property provided to an Elected Member remains the property of Council and must be returned when required.

## ***Allowances***

Allowances are determined by the South Australian Remuneration Tribunal and in Determination No. 6 for 2018, it has determined that the following annual allowances are payable to Elected Members (City of Holdfast is Group 1B):

Mayor	\$ 82,520.00
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Deputy Mayor	\$ 25,787.50
Presiding Committee Member	\$ 25,787.50
Councilor	\$ 20,630.00

The Elected Members Entitlements Policy proposes that the allowances will be paid monthly in arrears, except for the three months of the new Council (in accordance with Regulation 4(1) of the *Local Government (Members Allowances and Benefits) Regulations 2010*).

### ***Reimbursement of Expenses***

Section 77(1)(b) of the *Local Government Act 1999* provides that councils may approve the reimbursement of certain prescribed expenses incurred by Elected Members, either on an individual basis or under a policy adopted by the Council. Regulation 6 of the *Local Government (Members Allowances and Benefits) Regulations 2010* sets out the types of expenses that may be reimbursed under Section 77(1)(b).

Any reimbursement claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.

### ***Provision of Facilities and Support***

To assist Elected Members in performing their role and in accordance with Section 78 Council needs to resolve to make available facilities and support to assist them in performing or discharging their official duties.

The Elected Member Entitlements Policy allows for the provision of an iPad on a mobile plan, with a download allowance of 5GB per month to all Elected Members to support access to Council email and documents.

In place of the provision of a desktop or laptop computer, printer, home internet connection and mobile phone for Elected Members it is proposed that Council will pay an annual allowance to cover these costs. In recognition of additional costs which may be incurred in the first year of office, it is proposed that this allowance be set at \$1600 in the first year, with \$1100 in each subsequent year, indexed annually by CPI.

### ***Facilities and Support for the Mayor***

In addition to the support provided for all Elected Members the policy provides for the following facilities available to the Mayor to perform his/ her duties:

- Office space
- Administrative support, in accordance with Council's budget
- A fully maintained vehicle in accordance with Council's Use of Motor Vehicle Policy. Alternatively, the Mayor may choose to be reimbursed for their vehicle operational costs up to the equivalent cost of a fully maintained vehicle.

Upon appointment each Elected Member will also be provided with the following:

- Name badge
- Name badge for partner (optional)
- Box of printed business cards

***Expenses which are reimbursed under the Local Government Act and Regulations***

Under the Act, Elected Members are entitled to receive reimbursement for travelling within the area of the Council and child, children and/ or dependent care expenses associated with attendance at Council and Committee meetings in accordance with section 77(1)(a) of the Act and Regulation 5. These are:

- Eligible journeys – travelling to and from a Council or Committee meeting based on the appropriate rate per kilometre (determined by the engine capacity of the vehicle) under the *Income Tax Assessment Act 1997 (Commonwealth)*. The journey is calculated at the shortest or most practicable route. This does not include travel outside of the area of the Council.
- Travel 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.
- Expenses for the care of a child, children and/ or dependent of the Elected Member actually and necessarily incurred by the Elected Member as a consequence of the member's attendance at a meeting of the Council or a Committee of Council. These expenses are not reimbursable if the care is provided by a relative of the Elected Member who ordinarily resides with the Elected Member.

***Expenses which are reimbursed under the Policy***

In addition to the reimbursements provided by the *Local Government Act*, regarding eligible journeys, Elected Members are eligible to receive reimbursement for expenses actually and necessarily incurred in travelling to a function or activity on the business of Council. The following conditions apply:

- Reimbursement is restricted to the shortest or most practicable route.
- Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under section 28.25 of the *Income Tax Assessment Act 1997 (Commonwealth)*.
- Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred.
- Expenses incurred for the care of a child, children and/ or dependent of the Elected Member requiring full time care as a consequence of the member's attendance at a function or activity on the business of Council. Reimbursement does not apply if the care is provided by a person who usually resides with the Elected Member.
- Expenses incurred by the Elected Member as a consequence of the 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 of duties of the

member. It should be noted that all conference /seminar attendance must be approved by Council. This includes, airfares, registration fees, taxi fares, car parking, incidental expenses i.e. meals (up to a daily maximum of \$50 per day).

### ***Insurance***

Section 80 of the Act requires Council to insure its Elected Members. Elected Members are covered under the following Council insurance policies on a 24 hour basis whilst discharging their duties:

- Personal Accident Insurance;
- Public/Professional Liability; and
- Personal Effects.

This includes attendance at meetings of external bodies as Council's official representative.

### ***Provision for Legal Advice***

Additionally the new *Independent Commissioner Against Corruption Act 2013* has made reporting of all suspected breaches of Part 3 of the Elected Member Code of Conduct a compulsory requirement. The *Local Government Act* has acknowledged this (s 78(a)) and now requires councils to make provision for legal advice for Elected Members to assist them in performing their official functions and duties. Council may establish a policy which establishes limitations and imposes conditions on such a provision.

Council's Elected Member Code of Conduct Complaints and Investigation Policy provides Members with access to legal advice in response to a Code of Conduct complaint, and Council has resolved to limit the amount available to \$500 per complaint. It is recommended that this amount continue.

### **BUDGET**

The 2018-19 budget has allocations to cover the cost of providing the materials and services outlined in the Elected Member Entitlements policy.

### **LIFE CYCLE COSTS**

There are no life cycle costs associated with this report.

Classification:	Statutory Policy
Trim Container	
Trim Document Number:	
First Issued / Approved:	
Last Reviewed:	25 November 2014 27 November 2018
Next Review:	27 November 2022
Responsible Officer:	Team Leader Governance
Date Placed on Web:	

## 1. PREAMBLE

### 1.1 *Background*

Section 76 to 80 of the *Local Government Act 1999* (the Act) provides for allowances and reimbursements that Elected Members will receive and those which City of Holdfast (Council) may approve for certain prescribed expenses incurred by Elected Members.

The *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) in regulation 6 sets out the types of expenses that may be reimbursed under section 77(1)(b).

### 1.2 *Purpose*

Elected Members should not be 'out of pocket' as a result of performing and discharging their Council functions and duties.

The adoption of this policy provides authority for Elected Members to obtain reimbursement of those expenses.

The Council will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable, transparent and in accordance with Chapter 5, Part 5 of the Act and the Regulations.

### 1.3 *Scope*

This policy applies to all Elected Members of the City of Holdfast Bay.

It summarises the provisions of the Act and Regulations in respect to Elected Member allowances, the provision of facilities and support, the different types of expenses, the circumstances in which those expenses will be or can be reimbursed and what benefits Council members receive that must be recorded for the purposes of maintaining the Register of Allowances and Benefits.



# ELECTED MEMBERS ENTITLEMENTS POLICY

It specifies the types of expenses incurred by Elected Members that will be reimbursed without specific approval of Council each time.

## 1.4 **Definitions**

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

**Elected Member Code of Conduct** (the Code) means the Code of Conduct for Council Members as prescribed for the purpose of section 63 of the Act, as gazetted by the Minister from time to time.

**Eligible Journey** means as defined in regulation 3 of the Regulations, 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.

**Function** means:

- An official Council function including mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits or
- Attendance at meetings of community groups and/ or organisations as a Council appointed delegate (but not attending meetings of community groups or organisations when fulfilling the role of local representative).

**Prescribed Meeting** means as defined in regulation 3 of the Regulations, in relation to a member of council, means a meeting of council or council committee or an informal gathering, discussion workshop, briefing, training course or similar activity which is directly or closely related to the discharge of the roles or duties of the member.

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

## 1.5 **Strategic Reference**

A Place that provides Value for Money.

## 2. **POLICY STATEMENT**

2.1 The Chief Executive Officer of the Council is responsible for:

- a. Implementing expense reimbursement procedures in accordance with this policy
- b. Maintaining a Register of Allowances and Benefits as prescribed in section 79 of the Act and regulation 7 of the Regulations
- d. Ensuring that a copy of this policy is available for inspection and/or purchase by the public and
- e. Ensuring that a Gifts Register is maintained and available on the Council's website.

2.2 Pursuant to section 79 of the Act, the Chief Executive Officer of the Council will maintain a register of allowances and benefits to record:

## ELECTED MEMBERS ENTITLEMENTS POLICY

- a. Annual allowances paid to Elected Members (section 76 of the Act).
- b. Expenses reimbursed to an Elected Member (section 77(1)(b) of the Act).
- c. Details of other benefits paid or payable to an Elected Member.

### *Allowances*

- 2.3** Elected Members are entitled to an allowance as provided by section 76 of the Act and regulation 4 of the Regulations:
- a. Allowances are reviewed by the [Remuneration Tribunal of South Australia](#)
  - b. Allowances will be adjusted annually by the Consumer Price Index (CPI) for the September quarter immediately before the date on which the allowance was determined (regulation 4(2) of the Regulations).
- 2.4** Allowances will be paid monthly in arrears, except for the first three months of the new Council, which will be paid as a lump sum in advance on commencement.

### *Reimbursements (including travel and child, children and/ or dependent care)*

#### *Entitled Reimbursements*

- 2.5** Elected Members are entitled to receive reimbursements for travelling within the area of the Council and for child, children and/ or dependent care expenses associated with attending a prescribed meeting as required by section 77(1)(a) of the Act and regulation 5 of the Regulations:
- a. Reimbursement is restricted to eligible journeys by the shortest or most practicable route and to the part of the journey within Council area.
  - b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under section 28.25 of the *Income Tax Assessment Act 1997* (Commonwealth). Travel 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.
  - c. Where child, children and/ or dependent care expenses are actually or necessarily incurred by the Elected Member as a consequence of attendance at a prescribed meeting. Reimbursement does not apply if the care is provided by a person who usually resides with the Elected Member.

#### *Discretionary Expenses*

- 2.6** Pursuant to section 77(1)(b) of the Act, Council also approves the reimbursement for expenses actually and necessarily incurred in travelling to official functions or activities on the business of Council (other than for which the Elected Member is reimbursed under section 77(1)(a) of the Act), i.e. if the journey is within or outside the Council area subject to:
- a. Reimbursement is restricted to the shortest or most practicable route.

## ELECTED MEMBERS ENTITLEMENTS POLICY

- b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under section 28.25 of the *Income Tax Assessment Act 1997* (Commonwealth). Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred.

**2.7** Pursuant to section 77(1)(b) of the Act, Council also approves reimbursement of:

- a. Child, children and/ or dependent care expenses as a consequence of the Elected Member's attendance at a function or activity on the business of Council (other than for which an Elected Member is reimbursed under section 77(1)(a) of the Act). Reimbursement does not apply if the care is provided by a person who usually resides with the Elected Member.
- b. Expenses incurred by the member as a consequence of the Elected 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 or duties of the Member (other than for which an Elected Member is reimbursed under section 77(a)(a) of the Act). It should be noted that all conference /seminar attendance must be approved by Council.

The following types of expenses will be reimbursed:

- Airfares (with council approval)
  - Registration fees
  - Taxi fares
  - Car parking
  - Incidentals expenses i.e. meals (up to a daily maximum of \$50 per day).
- c. Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred, and is still limited to the shortest or most practicable route.

### *How to claim reimbursements*

**2.8** Any reimbursement claimed by an Elected Member must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.

**2.9** All claims for reimbursement must be submitted to the Chief Executive Officer on the Elected Member's claim form and are requested to submit these forms **at least on a quarterly basis within the quarter** of the year that they are incurred. Elected Members are required to provide evidence of expenses incurred (i.e. tax receipts/ invoices) and/ or details of kilometres travelled to support all reimbursements claimed.

### *Facilities and Support*

**2.10** Pursuant to section 78 of the Act, Council resolves to make available to Elected Members the following facilities and support which are necessary and expedient to assist in performing or discharging the Elected Members official functions or duties provided on a uniform basis to all Elected Members.

## ELECTED MEMBERS ENTITLEMENTS POLICY

The following items are considered to have a direct benefit to the effectiveness and efficiency of the Elected Members:

- a. An iPad with a 5GB/month on a mobile plan for the purpose of receiving council information and appropriate IT support.
- b. An IT equipment allowance of \$1600.00 in the first year of office, followed by \$1100 per annum, indexed annually by the Consumer Price Index (CPI) for the September quarter immediately before the date on which the allowance was determined. This allowance is to assist with the cost of providing and maintaining a desktop/laptop of their choice with appropriate software and peripheral devices, printer, paper, internet connection and telecommunications resources.
- c. Council's IT staff will only provide technical support for Council supplied equipment and software which are being used for Council business.

**2.11** The equipment provided by Council to an Elected Member remains the property of Council.

**2.12** Limited private use of electronic equipment is permitted by Council so long as Elected Members:

- a. Comply with the provisions in Council's Electronic Communications Policy and
- b. Additional costs associated with private use are to be borne solely by the Elected Member including if an Elected Member uses more than the plan amount each month.

**2.13** Upon appointment each Elected Member is provided with the following:

- a. Name badge
- b. Name badge for partner (optional)
- c. 1 x box of printed business cards.

**2.14** A meal will be provided, where deemed appropriate, by Council's administration while attending Council meetings, Committee meetings, briefings and workshops.

**2.15** Elected Members will receive one street based car parking permit for use while on council business in the Council's parking areas; and in the Council area of the Beachouse carpark outside of normal working hours.

**2.16** In addition to the above, Council has resolved to make available the following **facilities and support to the Mayor** in performing and discharging official duties:

- a. Office Space
- b. Administrative support for Council business only, in accordance with Council's budget
- c. A fully maintained vehicle in accordance with Council's Use of Motor Vehicle Policy. Alternatively the Mayor may choose to be reimbursed for his/ her vehicle operational costs up to the equivalent cost of a fully maintained vehicle.

## ELECTED MEMBERS ENTITLEMENTS POLICY

### *Legal Advice*

- 2.17** Elected Members may in accordance with the any scheme established under section 78A directly obtain legal advice at the expense of the Council to assists in performing or discharging official functions and duties, subject to:
- a. The legal advice is sought from a legal firm that is included in the Council's legal panel or approved supplier up to a limit determined annually by Council; and
  - b. The legal advice is limited to Elected Member Code of Conduct matters.
  - c. Council has resolved to limit this amount (currently \$500 in response to a Code of Conduct complaint).

### *Insurance of Elected Members*

- 2.18** Section 80 of the Act requires that Council insure its Elected Members. Elected Members are covered under the following insurance policies on a 24 hour basis, while discharging their duties (which also includes attendance at meetings of external bodies as Council's official representative):
- a. Personal Accident Insurance – Elected Members (and accompanying spouses/ partners) are provided with benefits should they sustain bodily injury whilst engaged in any activity directly or indirectly connected with, or on behalf of Council.
  - b. Public/Professional Liability – indemnifies Elected Members but only in connection with their role as Elected Members
  - c. Personal Effects – Council provides coverage for damage to Elected Members personal effects whilst on Council business.

### *Gifts and Benefits*

- 2.19** Where an Elected Member receives a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift must be declared and recorded within the Elected Member gifts and benefits register. An Elected Member must not:
- a. Seek gifts or benefits of any kind.
  - b. Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty.
  - c. Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the council.
  - d. Fail to declare any gift or benefit, or election donation.
- 2.20** Elected Members may accept hospitality provided in context of and invitation to attend local social and sporting events. This is limited to events held within the City of Holdfast Bay, by non-professional sporting clubs and community organisations. All other invitations that include hospitality accepted by an Elected

## ELECTED MEMBERS ENTITLEMENTS POLICY

Member, over the gazetted amount, must be declared on an Elected Members Gifts and Benefits Form.

- 2.21** All gifts and benefits received by an Elected Member above the gazetted value by the Minister from time to time must be declared on an Elected Members Gifts and Benefits Form.
- 2.22** It is the responsibility of the Elected Member to ensure that the form is completed, accurate and lodged within 30 days of receipt of the gift or benefit.

### *Campaign Donations*

- 2.23** Elected Members may accept donations and gifts as provided for and in accordance with the provisions of Part 14, campaign donations in the *Local Government (Elections) Act 1999*. All such donations and gifts must be declared in a campaign donations return within 30 days of the conclusion of an election.
- 2.24** A register of Elected Member campaign donations returns shall be maintained in accordance with Part 14 Division 2 of the *Local Government (Elections) Act 1999* and made available for public scrutiny upon request.
- 2.25** An Elected Members Gift register shall be maintained and updated quarterly on the Council's website.
- 2.26** An Elected Member who:
- a. makes a false claim for reimbursement or makes a claim for expenditure which they are not entitled or
  - b. fails to provide a campaign donations return or declare a gift or benefit may be investigated for a breach of Part 3 of the Elected Member Code of Conduct.
- 2.27** Any expenses, additional reimbursements and facilities and support not detailed in this policy will require the specific approval of Council prior to any expense being incurred, additional reimbursements being paid, benefits being received and facilities and/ or support being provided.

### 3. REFERENCES

#### *Legislation*

- *Income Tax Assessment Act 1997*
- *Independent Commissioner Against Corruption (ICAC) Act 2013*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Members Allowances and Benefits) Regulations 2010*

#### Other References

- City of Holdfast Bay's Investigations Policy
- Code of Conduct for Elected Members 2013
- Elected Members Code of Conduct Complaints Investigations Procedure.
- Elected Members Gifts and Benefits Form.

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## 1. PREAMBLE

### 1.1 *Background*

Section (a) 77(1)(b) of the local Government Act (the Act) provides that councils may approve the reimbursement of certain prescribed expenses incurred by Elected Members, either on an individual basis or under a policy adopted by the council. Regulation 6 sets out the types of expenses that may be reimbursed under Section 77 (1) (b)

Elected members should not be “out of pocket” as a result of performing and discharging their Council functions and duties.

### 1.2 *Purpose*

This Policy specifies the types of expenses incurred by Elected Members that will be reimbursed without specific approval of Council.

The adoption of this policy provides authority for Elected Members to obtain reimbursement of those expenses.

### 1.3 *Scope*

This policy applies to all Elected Members

### 1.4 *Definitions*

**A Function** means:

- An official Council function including mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits.
- Attendance at meetings of community groups and or organisations as a Council appointed delegate (but not attending meetings of community groups or organisations when fulfilling the role of local representative).

**The Act** shall mean the Local Government Act 1999.

# ELECTED MEMBERS ENTITLEMENTS POLICY

**Elected Member Code of Conduct** (the Code) is the Code of Conduct for Council Members as prescribed for the purpose of Section 63 of the Local Government Act 1999, as gazetted by the Minister from time to time.

**Eligible Journey** as defined in Regulation 3 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.

**Prescribed Meeting** in relation to a member of council, means a meeting of council or council committee or an informal gathering, discussion workshop, briefing, training course or similar activity which is directly or closely related to the discharge of the roles or duties of the member.

**Regulations** shall mean the Local Government (Members Allowance and Benefits) Regulations

## 1.5 **Strategic Reference**

A Place that provides Value for Money

## 2. **POLICY STATEMENT**

**2.1** The City of Holdfast (Council) will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable, transparent and in accordance with Chapter 5, Part 5 of the Local Government, 1999 and Local Government (Members Allowances and Benefits) Regulations, 1999.

**2.2** The Chief Executive Officer is responsible for:

- a. Implementing expense reimbursement procedures in accordance with this policy;
- b. Maintaining a Register of Allowances and Benefits as prescribed in Section 76 of the Act and Regulation 7;
- d. Ensuring that a copy of this policy is available for inspection and/or purchase by the public
- e. Ensuring that a Gifts Register is maintained and available on the Council's website.

**2.3** Elected Members are entitled to an allowance as provided by Section 76 of the Act and Regulation 4:

- a. Allowances will be reviewed by the Remuneration Tribunal on a 4 yearly basis.
- b. Allowances will be adjusted annually by CPI (Consumer Price Index) in accordance with the decision with the Remuneration Tribunal.
- c. Allowances will be paid monthly in arrears, except for the first three months of the new Council, which will be paid as a lump sum in advance on commencement.

**2.4** Elected Members are entitled to receive reimbursements for travelling within the area of the Council associated with attending a prescribed meeting:



## ELECTED MEMBERS ENTITLEMENTS POLICY

- a. Reimbursement is restricted to eligible journeys by the shortest or most practicable route and to the part of the journey within council area.
  - b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as stated in the Local Government Association Council Member Vehicle Reimbursement Circular released annually.
  - c. Travel 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;
- 2.5** Elected Members are entitled to receive reimbursement for expenses actually and necessarily incurred in travelling to a function or activity on the business of Council, if the journey is outside the Council area.
- 2.6** Travel related to attendance at prescribed meetings or functions outside of the Council area:
- a. Reimbursement is restricted to the shortest or most practicable route.
  - b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as stated in the Local Government Association Council Member Vehicle Reimbursement Circular released annually.
  - c. Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses “actually and necessarily incurred”.
- 2.7** Pursuant to Section 77(1)(b) of the Act, Council also approves reimbursement of:
- a. Expenses incurred for the care of a child of the Elected Member or a dependant of the Member requiring full time care as a consequence of the Elected Member’s attendance at a prescribed meeting, function or activity on the business of Council.
  - b. Expenses incurred by the member as a consequence of the Elected 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 Member.
- The following types of expenses will be reimbursed:
- Airfares
  - Registration fees
  - Taxi fares
  - Car parking
  - Incidentals (up to a daily maximum of \$50.00 per day)
  - Expenses incurred in the use of a telephone, internet, facsimile or other communication device on the business of Council.
- c. Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses “actually and necessarily incurred”, and is still limited to the shortest or most practicable route.
- 2.8** Child /dependent care expenses are not reimbursed if the care is provided by a relative of the Member who ordinarily resides with the Member.

## ELECTED MEMBERS ENTITLEMENTS POLICY

- 2.9** Any reimbursement claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- 2.9A** Elected Members will receive one street based car parking permit for use while on council business in the Council's parking areas and in the Council area of the Beachouse carpark outside of normal working hours, while on council business.
- 2.10** Pursuant to Section 78 of the Act, Council resolves to make available to Elected Members the following facilities and support to assist them in performing or discharging their official duties and which are considered to have a direct benefit to the effectiveness and efficiency of Councillors:
- a. An iPad with a 4GB/month wifi/cellular plan for the purpose of receiving council information and appropriate IT support.
  - b. An IT equipment allowance of \$1500.00 in the first year of office, followed by \$1000 per annum, indexed annually in accordance with the Remuneration Tribunal decision, to assist with the cost of providing and maintaining a desktop/laptop of their choice with appropriate software and peripheral devices, printer, paper, internet connection and telecommunications resources.
  - c. Council's IT staff will only provide technical support for Council supplied equipment and software which are being used for Council business.
- 2.11** Limited private use of electronic equipment provided by Council is afforded to Elected Members in accordance with:
- a. The provisions in Council's Electronic Communications Policy
  - b. Additional costs associated with private use is borne by the Elected Member and if members use more than the plan amount each month.
- 2.12** Section 80 of the Act requires that Council insure its Members. Members are covered under the following insurance policies on a 24 hour basis, while discharging their duties. This includes attendance at meetings of external bodies as Council's official representative:
- a. Personal Accident Insurance – Elected Members (and accompanying spouses) are provided with benefits should they sustain bodily injury whilst engaged in any activity directly or indirectly connected with, or on behalf of Council.
  - b. Public/Professional Liability – indemnifies Members of Council but only in connection with their role as Members of Council
  - c. Personal Effects – Council provides coverage for damage to Elected Members personal effects whilst on Council business.
- 2.13** Upon appointment each Elected Member is provided with the following:
- a. 1 x name badge
  - b. 1 x name badge for partner (optional)
  - c. 1 x box of printed business cards (500).

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- 2.14** A meal will be provided where appropriate while attending Council meetings, Committee meetings, briefings and workshops.
- 2.17** In addition to the above, Council has resolved to make available the following facilities and support to the Mayor; in performing and discharging official duties:
- a. Mobile Telephone
  - b. Office Space
  - c. Administrative support for Council business only, in accordance with Council's budget
  - d. A fully maintained vehicle in accordance with Council's Use of Motor Vehicle Policy
- 2.18** Elected Members may in accordance with the following scheme established under Section 78A (3) directly obtain legal advice at the expense of the Council to assist in performing or discharging official functions and duties, subject to:
- a. The legal advice is sought from a legal firm that is included in the Council's Legal Panel up to a limit determined annually by Council; and
  - b. The legal advice is limited to Elected Member Code of Conduct matters.
- 2.19** Elected members are required to provide details of kilometres travelled and or evidence of expenses incurred, to support all reimbursements claimed and procedures have been established to support this.
- 2.20** All claims for reimbursement must be submitted to the Chief Executive Officer on the Elected Member's Claim Form.
- 2.21** Where an Elected Member receive a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift must be declared and recorded within the Elected Member gifts and benefits register. An Elected Member must not:
- a. Seek gifts or benefits of any kind.
  - b. Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty.
  - c. Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the council.
  - d. Fail to declare any gift or benefit, or election donation.
- 2.22** Elected Members may accept hospitality provided in context of and invitation to attend at, local social and sporting events. This is limited to events held within the City of Holdfast Bay, by non-professional sporting clubs and community organisations. All other invitations that include hospitality accepted by an Elected Member, over the gazetted amount, must be declared on an Elected Members Gifts and Benefits Form.

## **ELECTED MEMBERS ENTITLEMENTS POLICY**

- 2.23** All gifts and benefits received by an Elected Member above the gazetted value by the Minister from time to time must be declared on an Elected Members Gifts and Benefits Form.
- 2.24** It is the responsibility of the Elected Member to ensure that the form is completed, accurate and lodged within 30 days of receipt of the gift or benefit.
- 2.25** Elected Members may accept donations and gifts as provided for and in accordance with the provisions of Part 14 of the *Local Government (Elections) Act, 1999*. All such donations and gifts must be declared in a campaign donations return within 30 days of the conclusion of an election.
- 2.26** A register of Elected Member campaign donations returns shall be maintained in accordance with Part 14 Division 2 of the *Local Government (Elections) Act 1999* and made available for public scrutiny upon request.
- 2.27** Pursuant to Section 79 of the Act, the Chief Executive Officer will maintain a record of:
- a. The annual allowances paid to Elected Members under Section 76 of the Act.
  - b. Any expenses reimbursed to a Member under Section 77(1)(b) of the Act.
  - c. Any other benefits paid or provided to a Member with the exception of reimbursements paid under Section 77 (1)(a) of the Act
- 2.28** An Elected Members Gift register shall be maintained and updated quarterly on the Council's website.
- 2.29** An Elected Member who:
- a. Makes a false claim for reimbursement or makes a claim for expenditure which they are not entitled.
  - b. Fails to provide a campaign donations return or declare a gift or benefit
- may be investigated for a breach of Part 3 of the Elected Member Code of Conduct.

### **3. REFERENCES**

#### **3.1 Legislation**

- Local Government Act, 1999
- Local Government (Elections) Act, 1999.
- Local Government (Members Allowances and Benefits) Regulations, 1999
- Independent Commissioner Against Corruption (ICAC) Act, 2013.
- Elected Members (Mandatory) Code of Conduct

#### **3.2 Other References**

- City of Holdfast Bay's Investigations Policy
- Elected Member Code of Conduct 2013

## ELECTED MEMBERS ENTITLEMENTS POLICY

- Elected Members Code of Conduct Complaints Investigations Procedure.
- Elected Members Gifts and Benefits Form.