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1. PREAMBLE

1.1 Background

Section 76, 77 and 79 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) of the Act.

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 City of Holdfast Bay 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.

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

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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 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
- 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 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

Our Holdfast 2050+

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.
- c. Ensuring that a copy of this policy is available for inspection and/or purchase by the public.
- d. Ensuring that a Gifts Register is maintained and available on the Council's website.

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

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- 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.

3. ALLOWANCES

- 3.1 Elected Members are paid an allowance for performing and discharging the functions and duties of their office as a member of the elected body of the council in accordance with section 59 of the Act. In accordance with section 76 of the Act, Elected Members' annual allowances are determined by the Remuneration Tribunal of South Australia.

The Remuneration Tribunal must make determinations under this section on a four (4) yearly basis before the designated day in relation to each set of periodic elections held pursuant to the *Local Government (Elections) Act 1999*.

Principal Member (Mayor / Chairperson)

The annual allowance for the principal member of a Local Government council constituted under the Act will be equal to four (4) times the annual allowance for councillors of that council.

Deputy Mayor / Deputy Chairperson and Presiding Member

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committee established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council. The level of allowance is payable at a maximum of 1.25 times only and does not multiply each of the qualifying criteria.

- 3.2 An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index.
- 3.3 Elected Member allowances are paid by Electronic Funds Transfer (EFT) directly into a nominated bank account, paid monthly, except for the first three months of the new Council term, which will be paid as a lump sum in advance on commencement. Allowances are paid by 10th of each month with payment statements emailed to Members after each payment.
- 3.4 A statement of earnings will be provided electronically (unless a hard copy is requested) to Elected Members at the conclusion of each financial year.

4. REIMBURSEMENTS ASSOCIATED WITH ATTENDING PRESCRIBED MEETINGS (INCLUDING TRAVEL AND CHILD, CHILDREN AND/OR DEPENDENT CARE)

Entitled Reimbursements

- 4.1 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. Council Members are requested to submit reimbursement for these costs on a quarterly basis.

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- a. Reimbursement is restricted to **eligible journeys** provided the journey is 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 at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 25-28 of the *Income Tax Assessment Act 1997* (Commonwealth).
- c. 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.
- d. 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. Child/dependent care is not reimbursed if the care is provided by a person who usually resides with the Elected Member.

Discretionary Expenses

4.2 Pursuant to section 77(1)(b) of the Act, Council may also approve 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.
- b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under section 25-28 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.

4.3 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(1) (a) of the Act). It should be noted that conference/seminar attendance above \$500 must be approved by Council.

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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. Elected Member expenses and reimbursements for attendance at conferences/seminars/training courses is recorded in the Elected Member Register of Allowances and Benefits.
- d. 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

- 4.4** 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.
- 4.5** All claims for reimbursement must be submitted to the Chief Executive Officer on the Elected Member's claim form. Elected Members are requested to submit these forms 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.

5. FACILITIES AND SUPPORT

- 5.1** 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 Elected Members official functions or duties provided on a uniform basis to all Elected Members, other than those facilities and support specifically provided to the Principal Member set out below.

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

- a. A laptop pre-loaded with Microsoft Office and a corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas.
- b. An IT equipment allowance of \$1700.00 in the first year of office, followed by \$1100.00 per annum, indexed annually by the Consumer Price Index (CPI). This allowance is to assist with the cost of peripheral devices, printer, paper, internet connection and telecommunications resources.
- c. Elected Members will be supplied with a Council email address for Council business. This email will be made available on Council's website as the email contact for the elected member. Council records are subject to the requirements of the *State Records Act 1997* and may be subject to disclosure under the *Freedom of Information Act 1991*.

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- d. Elected Members will have access to Council's IT staff who will provide technical support for Council supplied equipment and software which are being used for Council business.
- 5.2** The equipment provided by Council to an Elected Member remains the property of Council.
- 5.3** Limited private use of electronic equipment is permitted by Council so long as Elected Members:
- a. Comply with the provisions in the Council Acceptable Use Policy.
 - 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 data plan amount each month.
- 5.4** All equipment and facilities supplied by Council are to be returned to Council at the end of each term in office, upon the office of a Member of Council becoming vacant or at the request of the Chief Executive Officer.
- 5.5** Council is committed to minimising the risk of harm to all children and vulnerable persons who receive services or participate in programs developed by or on behalf of Council.
- a. Elected Members, within three (3) months of the commencement of their term on Council, and with the support from the Civic Governance Team, will be required to obtain a National Police Clearance.
 - b. The cost of all screenings obtained as an Elected Member will be borne by Council and all checks will be managed by the Civic Governance Team and provided to the Chief Executive Officer. All documentation will be managed confidentially and in accordance with the relevant records management processes required for screening checks.
- 5.6** 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 (up to 500 per annum).
- 5.7** A meal will be provided, where deemed appropriate, by Council's Administration while attending Council meetings, Committee meetings, briefings and information sessions.
- 5.8** 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.

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5.9 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 the Organisational Use of Vehicles 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.
- d. Purchase of tributes (e.g., floral arrangements, condolence, or celebratory cards etc.) on behalf of the City of Holdfast Bay for organisations and individuals affiliated with the area.

5.10 In accordance with section 55A of the Act, if a council member stands as a candidate for election as a member of the Parliament of the State, the member will be taken to have been granted leave of absence from the office of member of the council from the date on which nominations for the relevant election close until the result of the election is publicly declared. During the leave of absence, the Council Member:

- a. Is not entitled to receive any allowance in respect of the member's office, or reimbursement of expenses that the member would otherwise be entitled to under this Act.
- b. Must not use any facility, service or other form of support provided by the Council.
- c. Must not carry out any function or duty as a Council Member.

6. INSURANCE OF ELECTED MEMBERS

6.1 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 to cover non-Medicare medical expenses and out of pocket expenses 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 when undertaking their role as members of Council.
- c. Personal Effects – Council provides coverage for damage to Elected Members personal effects whilst on Council business.

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7. GIFTS AND BENEFITS

- 7.1** Where Elected Members receive a gift or benefit of more than a value published in the Government Gazette by the Minister, details of each gift and benefit must be recorded within a gifts and benefits register maintained and updated quarterly by Council's Civic Governance Team.
- 7.2** It is the responsibility of the Elected Member to ensure that a form is completed, accurate and lodged within 30 days of receipt of the gift or benefit. Gift declarations are recorded in the City of Holdfast Bay Gifts and Benefits Register, which is available online for public inspection.
- 7.3** 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.
- 7.4** Elected Members may accept hospitality provided in context of an 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 Member, over the gazetted amount, must be declared on an Elected Members Gifts and Benefits Form.

8. RECOGNITION OF SERVICE

- 8.1** From time to time Elected Members serve the communities of Holdfast Bay for more than 10 years of service. The City of Holdfast Bay recognises the value of this sustained community service and recognises their contribution.
- 8.2** Council recognises the contribution that long serving Elected Members make to the community and recognises that service by adding their names and years of service to the Honour Board in the Council Chamber at Glenelg.
- 8.3** The Chief Executive Officer is responsible for identifying Members with three continuous terms of service on Holdfast Bay Council.
- 8.4** Recognition of service for Elected Members not contesting or unsuccessful at a periodic election with the City of Holdfast Bay will be presented with an appropriate gift by the Mayor, based on years of service multiplied by \$15 with a minimum value of \$100.
- 8.5** To qualify for entitlements 'service' does not need to be continuous.

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9. CAMPAIGN DONATIONS

- 9.1 The *Local Government (Election) Act 1999* requires a Campaign Donations Return to be completed by a person who is a candidate for election to an office of a council and must lodge their returns with the Electoral Commissioner. Candidates must lodge two returns.

For a periodic election:

- a. The first campaign donation return must be lodged with the returning officer in the period between **22 to 28 days after** the close of nominations

The second campaign donation return must be lodged **30 days after** the conclusion of the election.

The return must disclose:

- a. The total amount or value of all gifts received during the disclosure period.
- b. The number of people who made those gifts.
- c. The amount or value of each gift.
- d. The date of which each gift was made.
- e. Details of the persons and organisations (donors) providing those gifts.
- 9.2 If a candidate does not have any gifts or donations to disclose, the campaign donations return must still be lodged and include a statement to the effect that no gifts of a kind required to be disclosed were received.

10. 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
- *State Records Act 1997*
- *Freedom of Information Act 1991.*

Other References

- Behavioral Management Policy
- Code of Conduct for Council Members
- Elected Members Gifts and Benefits Form
- Council Acceptable Use Policy (IT).

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11. REVIEW AND EVALUATION

- 11.1 This entire policy will lapse at the next General Election at which time the newly elected Council will be required to adopt a new policy.
- 11.2 This policy is available for inspection at Council's principal office during business hours and is also available on Council's website at www.holdfast.sa.gov.au.