

# THE BAROSSA COUNCIL ELECTED MEMBERS' ALLOWANCES AND BENEFITS POLICY



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| <b>1.</b> | <b>Purpose</b> |
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- 1.1. The Barossa Council ("Council") will ensure that the payment of its Elected 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. This Policy sets out:
- the provisions of the Act and Regulations in respect of Elected Member allowances, reimbursement and expenses and support;
  - the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made (pursuant to Section 77(1)(b) of the Act); and
  - the information that must be recorded within Council's Register of Elected Members' Allowances and Benefits to ensure compliance with the Act.

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| <b>2.</b> | <b>Scope</b> |
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- 2.1. This Policy applies to all Elected Members, including the Mayor.
- 2.2. This Policy involves those benefits given to the Mayor and Elected Members by Council. Receipt of benefits from persons or groups outside of Council will be managed in accordance with the Behavioural Management Policy.

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| <b>3.</b> | <b>Policy Statement</b> |
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### 3.1. Principles

- 3.1.1. To assist Elected Members in performing their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this Policy. Elected Members should not be out of pocket as a result of performing and discharging their Council functions and duties.
- 3.1.2. Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred will be assessed in accordance with their defined role in the Act.
- 3.1.3. Council encourages continued professional training and development for Elected Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
- 3.1.4. Council is accountable to its community for the use of public monies.



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### 3.2. Allowances

- 3.2.1. Elected Member allowances are determined by the Remuneration Tribunal on a four-yearly basis before the designated day in relation to each periodic election held under the *Local Government (Elections) Act 1999*.
- 3.2.2. An allowance determined by the Remuneration Tribunal will be payable for the period:
- commencing at the conclusion of the relevant periodic election; and
  - concluding at the time at which the last result of the next periodic election is certified by the returning officer under the *Local Government (Elections) Act 1999* (including in respect of a member of the Council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a) of that Act).
- 3.2.3. Elected Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic election to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.
- 3.2.4. Allowances will be paid in instalments up to 3 months in arrears of each month in respect of which an instalment is payable.
- 3.2.5. An additional allowance in the form of a sitting fee is also payable for Elected Members who are Chairpersons of Council committees – however, this allowance is not available to the Mayor, Deputy Mayor or the Deputy Chairperson of a Prescribed Committee.
- 3.2.6. An allowance under clause 3.2 is to be paid in accordance with any requirement set out in the Regulations (unless the Elected Member declines to accept payment of an allowance in accordance with section 76(12) of the Act).

Pursuant to the determination made by the Remuneration Tribunal, Elected Members (excluding the Mayor) are eligible for payment for a Travel Time allowance where the Elected Member's usual place of residence is within the relevant council area and is located at least 30kms but less than 50kms from council's principal office, via the most direct route.

If eligible, this payment will be automatically made to an Elected Member in addition to any entitlement to reimbursement of travel expenses incurred.

### 3.3. Leave of Absence – council member contesting election

- 3.3.1. Section 55A of the Act provides that a council member standing for election as a member of the Parliament of South Australia will be taken to have been granted leave of absence from their role as a council member. This leave takes effect from the date of the close of nominations for the election, until the result of the election is publicly declared. The council member does not need to make an application for the leave, and council is not required to grant the leave. The leave of absence is an automatic provision.
- 3.3.2. During a period of leave under section 55A a council member:
- is not entitled to receive payment of any allowance or reimbursement of expenses; and

- must not use any facilities, services or other form of support provided by the council; and
- must not carry out any function or duty as a Council Member.

3.3.3. Depending on the payment cycle outlined in section 3.2.4 an adjustment to the council members allowance will be required to reflect the leave of absence and return where appropriate.

### **3.4. Mandatory Reimbursements under section 77(1)(a) of the Act**

3.4.1. Elected Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Elected Member for travel within the Council area and associated with attendance at a Prescribed Meeting (section 77(1)(a) of the Act).

3.4.2. Reimbursement for travel expenses is restricted to Eligible Journeys, provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area. Accordingly, any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Act. (For reimbursement for travel *outside* the Council area, refer to clause 3.6)

3.4.3. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997*.

3.4.4. 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.

3.4.5. Elected Members may aggregate claims for reimbursement of expenses that relate to Eligible Journeys that do not exceed 20 kilometres and then claim reimbursement for them on a quarterly basis in accordance with the process outlined in clause 3.5.

3.4.6. Elected Members are entitled to reimbursement for child and/or dependent care expenses actually or necessarily incurred by the Elected Member as a consequence of the Elected Member's attendance at a Prescribed Meeting. Child and/or dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Elected Member.

### **3.5. Council-Approved Reimbursements under section 77(1)(b)**

3.5.1. The additional prescribed expenses incurred by Elected Members, which do not fall within the categories of allowances or mandatory reimbursements outlined above, but which have been approved by Council for reimbursement under section 77(1)(b) of the Act are as follows:

- an expense incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;

- travelling expenses incurred by the Elected Member as a consequence of the Elected Member's attendance at a Function or Activity on the Business of Council other than for which the Member is reimbursed under section 77(1)(a) of the Act;
- travelling expenses incurred by the Member in undertaking an Eligible Journey to the extent that those expenses are attributable to travel outside the area of the Council;
- expenses for the care of (i) a child of the Member; or (ii) a dependent of the Member, requiring full-time care which is incurred by the Member as a consequence of the Member's attendance at a Function or Activity on the Business of Council, other than for which the Member is reimbursed under section 77(1)(a) of the Act; and
- expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of an Elected Member, other than for which the Member is reimbursed under section 77(1)(a) of the Act.

3.5.2. Reimbursement of travel expenses in this clause is restricted to the shortest or most practicable route.

3.5.3. Travel by taxi, bus, airplane or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Elected Member's attendance at a Function or Activity on the Business of Council.

Domestic air travel is restricted to economy class fare and international air travel is restricted to either economy, or where the flight time is greater than 8 hours, then business class fare (the latter subject to budget allocation).

3.5.4. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997*.

3.5.5. Car parking fees will be reimbursed where they are a consequence of an Elected Member attending a Function or Activity on the Business of Council.

### 3.6. Process for Reimbursement

3.6.1. To receive reimbursement each Elected Member must complete an *Elected Member Reimbursement Claim Form* and submit it to the Manager Financial Services on the last business day of each quarter in accordance with the *Elected Members' Allowance Payment and Expense Reimbursement Process*.

### 3.7. Facilities and Support

3.7.1. In addition to allowances and the reimbursement of expenses and pursuant to section 78 of the Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Elected Members including the Mayor to assist them in performing or discharging their official functions and duties:

- Mobile telephone standard model form Council's Enterprise Technology and Information (ET&I) service catalogue, plan, call costs and accessories (ie: charger, case) – however if Elected Members purchase their own mobile telephone Council will reimburse the mobile phone plan and call costs up to \$50 per month and accessories (reasonable private usage is acceptable, subject to clause 3.6.4).

- Tablet-based device, including Council business-related applications, and mobile data plan charges;
- Meals and refreshments where appropriate while attending Council meetings, Council committee meetings, briefings and workshops;
- A name badge;
- Council business cards;
- Insurance – section 80 of the Act requires that Council insures its Elected Members against risk associated with the performance or discharge of their official duties. Members and their partners/spouses are covered under the following Council insurance policies while engaged in or on any activity directly or indirectly connected with or on behalf of Council, travelling to and from such activity:
  - Personal Accident Liability;
  - Personal Effects Property Cover; and
  - Elected Members travel

3.7.2. The provision of facilities and support in clause 3.6.1 will be made available to all Elected Members, including the Mayor, on the basis that:

- such provision is necessary or expedient for the Elected Member to perform or discharge his/her official functions or duties;
- the facilities remain the Council's property regardless of whether they are used off site or not and will be returned to Council at the end of each term in office, or earlier at the request of the Chief Executive Officer when an upgrade is scheduled;
- they are not to be used for a private purpose or any other purpose unrelated to official Council functions and duties, unless such usage has been specifically pre-approved by the Council and the Elected Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage;
- each Elected Member is solely responsible for those facilities released into their care and/or control during their term in office – if the facility is damaged or lost, the Elected Member should provide a written report to the CEO to assist in the insurance claim; and
- the technical support for all ET&I resources in clause 3.6.1 will be conducted by the ET&I team at Council's principal office.

3.7.3. In addition to facilities and support outlined in clause 3.6.1, Council has resolved to make available to the Mayor (and to any acting Mayor appointed during the Mayor's absence) the following to assist them in performing and discharging their official functions and duties:

- An appropriate motor vehicle fully maintained including fuel card for Council and Local Government Association-related business, to a total limit of 20,000km per year subject to:
  - Council's *Motor Vehicle Policy*; and
  - Any usage of the vehicle for private purposes will require the Mayor to reimburse the Council the additional costs or expenses at 20 cents per kilometre.

- 3.7.4. The use of Council facilities, support and/or services by Elected Members for election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of an Elected Member's official functions or duties under the Act.

### **3.8. Other Reimbursements**

- 3.8.1. Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being provided.

### **3.9. Register of Elected Members' Allowances and Benefits**

- 3.9.1. Pursuant to section 79(1) and (2) of the Act, the Chief Executive Officer must maintain a Register in which he or she will ensure on a quarterly basis that a record is kept of-

- The annual allowance payable to an Elected Member;
- Any expenses reimbursed under section 77(1)(b);
- Other benefits paid or provided for the benefit of the Elected Member by the Council;
- Any changes in the allowance or benefit payable to or provided for the benefit of Elected Members; and
- Provisions of a reimbursement or benefit not previously recorded in the Register.

- 3.9.2. Mandatory travel and care reimbursements paid under section 77(1)(a) of the Act are not required to be recorded in the Register, however, to provide full disclosure, these amounts are included in the totals per Elected Member.

- 3.9.3. The Register is available for inspection by members of the public, free of charge, at Council's Principal Office during ordinary business hours or at any time on the Council Website [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au). Copies or extracts of the Register are available for purchase upon payment of a fixed fee (as detailed in Council's Fees and Charges Register).

### **3.10. Breach of this Policy**

- 3.10.1. Any breach of this Policy will be managed in accordance with Council's Code of Conduct for Council Members, and, where appropriate, by Council's Complaint Handling Process.

## **4. Supporting Processes and Documents**

Register of Elected Members' Allowances and Benefits - Ref: [insert EDRMS reference number]\*  
Elected Member Reimbursement Claim Form  
Elected Members' Allowance Payment and Expense Reimbursement Process

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| <b>5.</b> | <b>Related Policies</b> |
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Caretaker Policy  
 Behavioural Management Policy (LGA Model Policy)  
 Code of Conduct for Council Members  
 Complaint Handling Process  
 Elected Members' Training and Development Policy

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| <b>6.</b> | <b>Legislation and References</b> |
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Local Government Act 1999 – section 76-79  
 Local Government (Accountability and Governance) Amendment Act 2015  
 Local Government (Members Allowances and Benefits) Regulations 2010  
 Income Tax Assessment Act 1997 – section 28.25 (Cth)  
 Determination 6 of the Remuneration Tribunal 2018 – Allowances for Members of Local Government Councils  
 Fees and Charges Register

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| <b>7.</b> | <b>Review</b> |
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This Policy will lapse at the next general election at which time the new Council will be required to adopt a new Policy dealing with Elected Members' allowances, reimbursements and benefits, but in the meantime, will be reviewed in the case of legislative changes.

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| <b>8.</b> | <b>Further Information</b> |
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- 8.1. This Policy is available on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au). It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au) at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 8.1 above for availability).

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| <b>9.</b> | <b>Document Control</b> |
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| <b>Corporate Plan Link:</b> |  | 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements. |                                                           |
| <b>Document Owner:</b>      | Chief Executive Officer                                                             | <b>Document Control Officer:</b>                                                                                                       | Team Leader Corporate Governance and Information Services |
| <b>Audience:</b>            | External                                                                            | <b>Next Review Date:</b>                                                                                                               | 30 November 2026                                          |

| Version history |            |                                                                                                                                                                               |
|-----------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Version No.     | Date       | Description of Change                                                                                                                                                         |
| 5.0             | 28/11/2022 | Review and adoption of Policy following expiration of Policy in accordance with Section 77(2) or the <i>Local Government Act 1999</i> , upon the election of the new Council. |

|     |            |                                                                                                                                                                                                                                                            |
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| 4.0 | 19/3/2018  | Review of Policy to allow Register of Allowances and Benefits to be published on Councils' website, and other minor amendments. See Council report 19 March 2019.                                                                                          |
| 3.0 | 26/11/2018 | Review and adoption of Policy following expiration of Policy in accordance with Section 77(2) or the <i>Local Government Act 1999</i> , upon the election of the new Council. See Council Report 26 November 2018.                                         |
| 2.0 | 19/4/2016  | Inclusion of new clause 4.2.2 as a result of changes from Local Government (Accountability and Governance) Amendment Act 2015 and inclusion of 4.6.1 limited monthly telephone costs and 4.6.3 purchasing card for Mayor. See Council Report 19 April 2016 |
| 1.0 | 14/11/2014 | New Policy                                                                                                                                                                                                                                                 |

## 10. Definitions

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Elected Members                                 | Includes the Mayor unless stated otherwise                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Eligible Journey                                | A journey (in either direction) between the principal place of residence, or a place of work, of an Elected Member, and the place of a Prescribed Meeting.                                                                                                                                                                                                                                                                                                           |
| Function or Activity on the Business of Council | Includes official functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies, dinners, official visits, inspection of sites within the Council area which relate to Council or Committee agenda items, meetings of community groups and organisations as a Council representative (but not to attend meetings of community organisations when fulfilling the role as a member of the Board).                                        |
| Prescribed Committee                            | A committee that endures, irrespective of whether Council has assigned any particular work for the committee to perform, and assists Council or provides advice to Council in any of the following areas or combination of: Audit, CEO performance review; Corporate Services; Finance; Governance; Infrastructure and Works; Risk Management; Strategic Planning and Development. Council's Section 41 Committees are enduring and therefore Prescribed Committees. |
| Prescribed Meeting                              | 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.                                                                                                                                                                                                              |



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