

1. POLICY STATEMENT

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

The City of Marion will ensure that the reimbursement of expenses is accountable, transparent and in accordance with the *Local Government Act 1999* (the LG Act) and the *Local Government (Members Allowances & Benefits) Regulations 2010* (the Regulations).

This policy summarises the provisions of the Act and the Regulations in respect to Council Member expenses and support, specifies the types of expenses to be reimbursed and the process for Council Members to obtain reimbursement of those expenses. In determining this policy Council took into consideration the overall support provided to Council Members pursuant to Sections 76, 77 and 78 of the Act.

2. POLICY

2.1 Allowances

Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*. Allowances to Council Members will be paid in quarterly installments, 3 months in advance.

NOTE: A member of a council who holds office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period (section 76(11) of the LG Act).

2.2 Mandatory Reimbursements – Travel (Section 77(1)(a))

Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the LG Act).

- 2.2.1 reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the LG Act. For reimbursement for travel outside the Council area refer to “Prescribed and Approved Reimbursements” below.
- 2.2.2 where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.
- 2.2.3 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.
- 2.2.4 the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

2.3 Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a))

Council Members are entitled to reimbursement for child/dependant care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member's attendance at a prescribed meeting. Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

To receive reimbursement for such prescribed expenses (travel and child/dependant care) each Council Member is required to complete a Form 1 and submit it to the Council Support Unit. For the purposes of administrative efficiency Council Members are requested to submit these forms on a quarterly basis.

2.4 Prescribed and Approved Reimbursements (Section 77(1)(b))

Additional prescribed expenses incurred by Council Members, will be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.

Section 77(1)(b) of the LG Act provides that the Council (meaning the Council as the governing body) may approve the reimbursement of additional expenses as set out in the Regulations incurred by Council Members, either on a case-by-case basis or under a policy adopted by Council. This Policy sets out the types of approved expenses that may be reimbursed.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependent care expenses associated with attendance at a prescribed meeting.

Regulation 6 of the Regulations sets out the types of additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council. These are:

- 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 Council Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the LG 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 careincurred by the Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the LG 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 a Council Member (other than for which the member is reimbursed under section 77(1)(a) of the LG Act).

For the purposes of this Policy, and pursuant to section 77(1)(b) of the LG Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

2.5 Travel

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of:

- Travel expenses related to attendance at a “prescribed meeting” being an “eligible journey” (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to a maximum of \$50 or 20km per return.

Reimbursement is restricted to the shortest or most practicable route.

Travel by air, approved by the Council, will be economy class for domestic travel and business class for international travel. Travel may be at a higher class where appropriate, for instance if travelling with a party also travelling business or first class.

2.6 Child and Dependant Care

Expenses incurred for the care of a child of the Council Member or a dependant of the Member requiring full time care as a consequence of the Council Member's attendance at a “function or activity on the business of Council” except where that care is provided by a relative who ordinarily resides with the member.

2.7 Conferences/Seminars/Training

Expenses incurred by the Member as a consequence of the Council 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. Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved under Council's 'Professional Development - Elected Members' Policy. The following types of expenses will be reimbursed:

- Airfares / train fare / bus fare
- registration fees
- accommodation
- meals*
- taxi fares
- car parking
- incidentals*

* Meals and incidentals will be reimbursed up to the amounts recommended by the Australian Taxation Office in accordance with Subdivision 900-B of the Income Tax Assessment Act 1997 (with the exception of meals included as part of a conference or seminar etc registration as these will be reimbursed in full).

2.8 Facilities and Support

In addition to allowances and the reimbursement of expenses, the LG Act provides that the Council can provide facilities and forms of support for use by its Council Members to assist them to perform or discharge their official functions and duties (section 78).

The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties. In approving the provision of facilities and support section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).

Council Members' Allowances and Benefits Policy



Pursuant to section 78 of the LG Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:

- 2.8.1 Each Council Member will be entitled to a Smart phone connected to the Corporate Mobile Phone Plan. Council Members may choose to bring their own device. Re-imbusement for Council Members own devices will be to a maximum equivalent of the Corporate Mobile Phone Plan.
- 2.8.2 Each Council Member will be entitled to a tablet device and corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas. Council Members may choose to bring their own device. Re-imbusement for Council Members own devices will be to a maximum equivalent of the Corporate Data Plan.
- 2.8.3 A laptop and corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas.
- 2.8.4 During declared emergency periods where Council conducts Council Meetings, Committee Meeting and other forums/meetings via electronic means, the Council will reimburse the elected member 50% or up to \$50 per month for the cost of their home internet (whichever is the lesser amount).
- 2.8.5 Ongoing support and training
- 2.8.6 Corporate approved applications Microsoft Office
- 2.8.7 Reimbursement of up to \$200 per annum for on-line subscriptions/applications
- 2.8.8 A Council land line will be provided to each Council Member and diverted to their mobile number of choice or telephone land line for Council business at a Council Members' place of residence. This provides ratepayers with a landline to contact Council Members on.
- 2.8.9 All conference rooms in the Council offices can be booked by Council Members, if available, for meetings with residents and key stakeholders. This does not include Council Members booking rooms on behalf of third parties.
- 2.8.10 Up to 50 Christmas cards, as approved by the Mayor, and envelopes of standard size each year and postage.
- 2.8.11 Individual electronic Council Members' letterhead will be supplied. The electronic letterhead will not incorporate the City Of Marion logo.
- 2.8.12 Business cards
- 2.8.13 Envelopes and postage facilities for Council business only.
- 2.8.14 A meal and drinks will be provided where appropriate while attending Council meetings, Council Committee meetings, briefings and workshops.
- 2.8.15 Council Members will be offered the influenza vaccination through an annual onsite influenza vaccination clinic. Council Members who are unable to attend the onsite influenza vaccination clinic are able to obtain an influenza vaccination through an external provider and are eligible for a reimbursement, through provision of a tax receipt, up to the cost of an individual vaccination at the onsite influenza vaccination clinic, currently \$18.00.

Council Members' Allowances and Benefits Policy



The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the LG Act on the following basis:

- they are necessary or expedient for the Council 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
- 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 Council Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

2.9 Legal Advice

Council Members will be provided access to legal advice for the following matters:

- 2.9.1 Performance and or discharge of official functions and duties prescribed within the Act.
- 2.9.2 Individual conflict of interest
- 2.9.3 Legal Proceedings related to a civil liability where section 39 of the Act has been invoked.

Council will not provide access to legal advice or reimburse the legal costs of individual Council Members in relation to:

- 2.9.4 Personal matters outside the scope of their role as a Council Member
- 2.9.5 Criminal matters
- 2.9.6 Alleged breaches of the Code of Conduct including behavioural matters, misconduct, maladministration and corruption (Council may consider reimbursement of costs via separate resolution if the allegations are determined to be unsubstantiated).
- 2.9.7 The initiation of defamation proceedings by a Council Members
- 2.9.8 Legal action where the Council Member has not been indemnified under section 39 of the Act by the Local Government Association Mutual Liability Scheme, as it has been determined that the member was not acting in good faith and in accordance with their duties.

In accordance with this Policy a Council Member can seek legal advice to a maximum of \$2,000 plus GST per financial year. For amounts over this limit a Council Member may seek the support of Council through a Motion on Notice.

Where an individual Council Member believes legal advice is required to properly determine a legal position on a matter, a written request should be made to either the Mayor or the Chief Executive Officer.

If the request complies with the parameters of this Policy, written approval will be provided to the Council Member by the Mayor or Chief Executive Officer.

If the Mayor has provided the approval, they will notify the Chief Executive Officer (or their delegate) who will notify the agreed legal provider with the parameters of the approval.

If appropriate, the Council Member will provide a copy of the legal advice obtained to the Chief Executive Officer to be recorded in Councils record management system.

The total cost of the advice will be recorded in the Council Member Expenses and Benefits Register.

Where the request for legal advice is not approved, a Council Member may seek the support of Council through a Motion on Notice for legal advice to be obtained.

2.10 Mayoral Support

In addition to the above, Council has resolved to make available to the Principal Member (and to any acting Principal Member appointed during the Principal Member's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- Office space
- Additional quantity of Corporate Christmas cards to send on behalf of the City of Marion
- Administrative support in accordance with Council's budget.
- Mayoral letterhead
- a motor vehicle with an overall rating of 4 stars or greater according to the Australian Government Green Vehicle Guide up to the value of the top of the range Mitsubishi Outlander vehicle for the Mayor's Council business use. Personal use of the vehicle by the Mayor and Mayor's immediate family is permitted if the Mayor reimburses the Council. If there is no evidence to the contrary, payment of 50% of running costs incurred by Council (eg petrol, tyres, servicing) shall be deemed adequate reimbursement for the purpose of this clause.

3. EXCLUSIONS

The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the LG Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the LG Act.

4. REIMBURSEMENT AND RECORDS MANAGEMENT

4.1 Claims for Reimbursement

Council Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed. All claims for reimbursement must be submitted to the Chief Executive Officer (or other nominated and delegated officer) on the form/s provided for this purpose on a quarterly basis for the purposes of maintaining the Register of Allowances and Benefits. Reimbursement of expenses will only be paid to a Council Member upon presentation of the form/s and adequate evidence supporting the claims made.

4.2 Reimbursement to Council

Any additional cost or expenses associated with a private purpose or any other purpose unrelated to official Council functions and duties must be reimbursed to Council by 30 June in the year that the cost or expense was incurred.

4.3 Other Reimbursements

Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

Council Members' Allowances and Benefits Policy



4.4 Register of Allowances and Benefits

Pursuant to section 79(1) and (2) of the LG Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of—

- (a) the annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
- (b) any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b)); and
- (c) other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- (d) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),

on a quarterly basis (see regulation 7 of the Regulations).

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members. Accordingly, the Chief Executive Officer will update the Register each quarter and therefore each Council Member is required to provide his or her claim form for reimbursement to the Council Support Unit by the last business day of each quarter.

The Register of Allowances and Benefits is available for inspection on the City of Marion website and will be updated quarterly.

5. SUMMARY

In addition, although not required by the LG Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
- all facilities must be returned to the Council at the end of each term in office, upon the office of a Member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
- if the facilities provided to the Council Member are damaged or lost the Council Member must lodge a written report with the Council officer responsible for this Policy (whose name is detailed at the end of this Policy).

6. DEFINITIONS

The Act - The Local Government Act 1999

Regulation - Refers to the stated regulation of the Local Government (Members Allowances & Benefits) Regulations 2010.

Eligible Journey - means "a journey (in either direction) between the principal place of residence, or a place of work, of a member of a council, and the place of a prescribed meeting" (Regulation 3)

Prescribed Meeting - means "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." (Regulation 3)

Council Members' Allowances and Benefits Policy



7. REFERENCES

Local Government Act 1999 (Sections 4, 76, 77, 78, 79, 80)

Local Government (Members Allowances & Benefits) Regulations 2010

Income Tax Assessment Act 1997 (Section 28.25)

Professional Development - Elected Members Policy

8. REVIEW AND EVALUATION

This Policy will lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances, reimbursements and benefits for their term in office (section 77(2) LG Act).