



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

## Elected Member Allowances and Benefits Policy

Adopted by:	Council
Responsible Division:	Chief Executive Officer
First Issued/Adopted:	28 November 2022
Last Reviewed:	November 2022
Next Review Date:	Next periodic election (Pursuant to section 77(2) of the <i>Local Government Act 1999</i> , the policy lapses at a general election of Council.)

### 1. Purpose

- 1.1 The City of Salisbury (“Council”) will ensure that the payment of 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 Local Government Act”) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (“the Allowances Regulations”).
- 1.2 This Policy sets out the provisions of the Local Government Act and Regulations in respect of Elected Member allowances, expenses, and support. This Policy is also provided in accordance with Section 77(1)(b) of the Local Government Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.
- 1.3 Elected Members are paid an allowance for performing and discharging their functions and duties on Council as provided in Section 58 and 59 of the *Local Government Act 1999*.

- 1.4 This Policy also explains the information that must be recorded within the Council's Register of Allowances and Benefits to ensure compliance with section 79 of the *Local Government Act 1999*.
- 1.5 This Policy, in its entirety, will automatically lapse at the next general election of this Council.

## **2. Scope**

- 2.1 This Policy applies to all Elected Members, who each have an obligation to abide by this Policy.

The Council's Chief Executive Officer has the duty to:

- (a) maintain the Register of Allowances and Benefits;
- (b) adjust allowances paid to Elected Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI")); and
- (c) ensure copies of this Policy are published on a website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.

In addition, the Chief Executive Officer is responsible for:

- (a) implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure; and
- (b) ensuring a copy of this Policy is provided to all Elected Members.

## **3. Legislative Requirements and Corporate Policy Context**

- 3.1 *Local Government Act 1999* – Section/s 55, 76, 77, 78, 79.

## **4. Policy Statements**

- 4.1 This Policy is underpinned by the following principles:
- 4.2 To assist Elected Members in performing or discharging 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.
- 4.3 Facilities and support provided to Elected Members will be provided on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor under section 10.5 of this policy).
- 4.4 Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging official Council functions and duties, which will be assessed according to the role of a Elected Member under the *Local Government Act 1999*.

## 5. Allowances

- 5.1 Elected Member allowances are determined by the Remuneration Tribunal on a four- yearly basis with each determination required to be made 14 days before the close of nominations for each set of periodic elections held under the *Local Government (Elections) Act 1999*.
- 5.2 The relevant determination for the Council term commencing in November 2022 is Determination No. 2 of 2022 – Allowances for Members of Local Government Councils.
- 5.3 The allowance determined by the Remuneration Tribunal will be payable for the period:
- commencing on the conclusion of the 2022 periodic election; and
  - concluding at the time the last result of the 2026 periodic election is certified
- by the Electoral Commissioner under the *Local Government (Elections) Act 1999*.
- 5.4 The annual allowance for a Elected Member is determined according to the relevant Council Group. There are six Council Groups which are each explained within the Determination of the Remuneration Tribunal.
- 5.5 The City of Salisbury has been identified as falling within Group 1A in the current Remuneration Tribunal Determination, with an initial Elected Member annual allowance of \$25,838.
- 5.6 The annual allowance for:
- principal members, is equal to four times the annual allowances for Elected Members;
  - deputy mayor or deputy chairperson or an Elected Member who is the presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for Elected Members;
- An additional allowance in the form of a sitting fee is also payable for Elected Members who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).
- 5.7 Elected Member allowances are to be adjusted on the first, second, and third anniversaries of the relevant periodic elections to reflect changes in the CPI (All groups index for Adelaide). Adjustments will occur on 10 November 2023, 10 November 2024, and 10 November 2025. The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).
- 5.8 In accordance with regulation 4 of the Allowances Regulations (and for the purposes of section 76 of the *Local Government Act 1999*), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.
- 5.9 City of Salisbury Elected Member Allowances will be monthly in arrears by electronic funds transfer to a nominated bank account.
- 5.10 A statement of earnings will be provided to Elected Members at the conclusion of each financial year.

## **6. Leave of absence – Elected Member contesting election**

- 6.1. If a Elected Member stands as a candidate for election as a member of State Parliament, section 55A of the *Local Government Act 1999* automatically grants a leave of absence from the date on which nominations for the relevant election close until the result of the election is publicly declared.
- 6.2. During the leave of absence period the Elected Member:
  - is not entitled to receive any Elected Member allowance or reimbursement of expenses; and
  - must not use any facility, service or other form of support provided by the Council; and
  - must not carry out any function or duty as an Elected Member.
- 6.3. A maximum penalty of \$15,000 applies for a breach of this section of the *Local Government Act 1999*.

## **7. Mandatory Reimbursements – Travel (Section 77(1)(a))**

- 7.1. 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 *Local Government Act 1999*).
- 7.2. A “prescribed meeting” is defined under the Allowances Regulations to mean a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member:
- 7.3. 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 the 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 *Local Government Act 1999*. For reimbursement for travel outside the Council area refer to Prescribed and Approved Reimbursements below.
- 7.4. An “eligible journey” means 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.

- 7.5. 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* of the Commonwealth.
- 7.6. 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.
- 7.7. 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.

## **8. Mandatory Reimbursements – Child/Dependant Care (Section 77(1)(a))**

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

## **9. Additional expense reimbursements (Section 77(1)(b))**

- 9.1. There may be additional expenses incurred by Elected Members (not included in the mandatory reimbursements outlined above) that can be reimbursed by the Council. Section 77(1)(b) of the *Local Government Act 1999* provides that the Council may approve the reimbursement of additional expenses incurred by Elected Members, as provided for in the Allowances Regulations, either on a case-by-case basis or under a policy adopted by Council.
- 9.2. Regulation 6 sets out the additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council.
- 9.3. For the purposes of this Policy, and pursuant to section 77(1)(b) of the *Local Government Act 1999*, the Council approves the reimbursement of additional expenses of Elected Members as described below.

### **9.3.1. Travel**

The following travel related expenses incurred by an Elected Member are eligible for reimbursement:

Travel related to attendance at a Council or Council committee meeting being an “eligible journey” (as defined in Regulation 3). When it is attributable to travel outside the Council area, up to a maximum of \$150 return.

Elected Members will receive reimbursement for expenses incurred in travelling to a function or activity on Council business within Council’s budget.

The following conditions apply to these expenses:

- travel both within and outside the Council area must be incurred by the Elected Member as a consequence of attendance at a function or activity on the business of Council.

A “function or activity on the business of the Council” includes:

- official Council functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc.;
- 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 groups or organisations when fulfilling the role as a Member of the Board of any such community group or organisation.

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 per the mandatory reimbursement covered in section 7.5 of this policy.
- car parking fees will be reimbursed (where they are a direct consequence of an Elected Member attending a function or activity on the business of the Council).
- travel by taxi, bus or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Member’s attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route.

### **9.3.2. Care and other expenses**

The following Care and Other expenses incurred by an Elected Member are eligible for reimbursement:

Expenses incurred for the care of a child of an Elected Member or a dependant of the Elected Member requiring full-time care as a consequence of the Elected Member’s attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the Local Government Act). An Elected Member is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the Member.

Expenses incurred by the Elected 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 Elected Member (other than expenses for which the Member is reimbursed under section 77(1)(a) of the *Local Government Act 1999*). Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council or under delegation/policy.

Where attendance at the conference, seminar etc is approved, the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals within budget.

Expenses incurred in the use of a telephone, internet, or other communication device on the business of the Council up to \$100.00 per month.

## 10. Facilities and support

- 10.1 In addition to allowances and the reimbursement of expenses, the Local Government Act provides that the Council can provide facilities and forms of support for use by its Elected Members to assist them to perform or discharge their official functions and duties (section 78).
- 10.2 The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Elected 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 Elected Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).
- 10.3 Pursuant to section 78 of the *Local Government Act 1999*, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Elected Members to assist them in performing or discharging their official functions and duties and can be requested:
- Hybrid laptop and/or tablet
  - Media monitoring service
  - Printer/scanner with up to 16 sets of printer cartridges per Council term
  - Up to 4 reams of paper per annum
  - Up to 1,500 envelopes per annum
  - Up to 1,000 business cards per annum
  - Up to 500 “with compliments” slips per annum
  - Meal (no alcohol provided) as coordinated by Administration, prior to Council, Committee, Subcommittee and CEO Briefing sessions.
  - Council branded attire (jacket and shirt) through the Council’s corporate provider.
  - Subscription of Adelaide Now.

The costs associated with the above facilities and support will be recorded on the Allowances and Benefits Register if claimed by the respective Elected Member.

- 10.4 The provision of these facilities and support are made available to all Elected Members (including the Principle Member) under the *Local Government Act 1999* on the

Where quantities of items are provided on a “per annum” basis these amounts apply for a financial year period (that is, from 1 July until 30 June). During an election year, a pro-rata quantity is determined leading up to the close of voting of the election.

### **Access to legal advice:**

If an Elected Member requires access to Council funded legal support in context of a Council business matter, the Elected Member will liaise with the Chief Executive Officer or Manager Governance for initial support. If the matter requires more than a standard consult, a Council resolution will be required to approve the request for legal support on the Council business matter.

10.5. The provision of these facilities and support are made available to all Elected Members (including the Principal Member) under the Local Government Act on the following basis:

- they are 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
- all Council Cyber Security and ICT policies, guidelines and training requirements covering access and use of Council systems and devices must be adhered to.
- Council’s ICT team will actively manage systems and devices to ensure maximum protection from a changing and evolving cybersecurity landscape. This management may change the operating environment as new protections are implemented. All changes to the operating environment will be communicated to Elected Members in advance unless in response to an emergency situation.

### **Principle Member**

10.6. 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:

- Fully maintained passenger vehicle
- Mobile phone
- Office space
- Access to a Personal Assistant

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

- each Elected 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 Elected Member are damaged or lost, the Elected Member must lodge a written report with the Council officer responsible for this Policy;
- The use of Council facilities, support and/or services by Elected 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 an Elected Member's official functions or duties under the *Local Government Act 1999*. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the *Local Government Act 1999*.

### **Elected Member Recognition:**

10.8 In addition to the Certificates issued by the Local Government Association, the Eligible Elected Member will be presented at a Council meeting, the following acknowledgement of continuous years of service:

10 years: Framed Certificate of Service

20 years: Framed Certificate of Service and Gift chosen by the Mayor to the value of \$200.

30 years: Plaque of the Council Crest and engraved plate identifying the name of the Elected Member and years to service to Council. Gift chosen by the Mayor to the value of \$350.

10.9 Elected Members achieving the 20 year milestone will also have their names included on a "Service Recognition Honour Board" in the Salisbury Community Hub Foyer.

All presentations will be made by the Mayor at an ordinary meeting of Council and recorded in the minutes of the meeting.

10.10 Current Elected Members and past Elected Members who pass away and who have been closely associated with the Council and its history, are to be acknowledged and recognised for their contribution to the City of Salisbury in the form of the following:

- A sympathy (condolence) card or a personal note to the immediate family signed by the Mayor and/or CEO on behalf of Council and staff; and
- The publication of a notice on Council's social media and in a local or state based newspaper on the death of a current or former Elected Member; and
- A floral tribute where this form of sympathy is considered acceptable. Where appropriate, the provision of a floral tribute may be substituted by a donation to a charity nominated by the immediate family of the person who has passed away.

- 10.11 For those Elected Members who have served 20 or more years with the City of Salisbury, and have made exceptional and significant contributions to Civic or Community matters, Council may give consideration, on a case by case basis, to one of the following forms of recognition, once they no longer hold the position of Elected Member.
- naming of a road (in accordance with the City of Salisbury's Naming of Roads Policy) and/or;
  - naming of a park or reserve and/or;
  - construction of artwork, memorial or monument and/or;
  - other form of appropriate acknowledgement
- 10.12 Outgoing Elected Members at the conclusion of an Elected Member's term, whether it is through resignation, or not successfully gaining a Council position following an Election, will be recognised by presentation of a Framed Certificate of Service by the Mayor including the total years of service.
- 10.13 The Mayor is further authorised to acknowledge Elected Members or their immediate family (via card, flowers or small gift) in the event of hospitalisation, serious illness or accident.
- 10.14 Pursuant to Section 79 of the *Local Government Act 1999*, details of any benefits paid or payable to, or provided for the benefit of an Elected Member by Council will be recorded in the Register of Allowances and Benefits.
- 10.15 Expenditure for gifts, certificates will be sourced from within the Civic Budget Area. Where artwork, a monument or memorial is to be installed, a new initiative bid must be submitted.

## **11. Claiming reimbursements**

- 11.1. To receive reimbursement for expenses, each Elected Member is required to complete the Reimbursement of Expenses Form. For the purposes of administrative efficiency, Elected Members are requested to submit the Reimbursement of Expenses within one (1) month from when the expense is incurred. Reimbursements of expenses are to be claimed within the financial year that they are incurred.
- 11.2. Receipts confirming the expenditure incurred must be provided with any claim made for reimbursement.

## **12. Register of Allowances and Benefits**

- 12.1. Pursuant to section 79(1) and (2) of the *Local Government Act 1999*, 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 an Elected Member (in the case of section 79 (1)(a)); and

- b) any expenses reimbursed under section 77(1)(b) of the *Local Government Act 1999* (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 Allowances Regulations).

- 12.2. Reimbursements paid under section 77(1)(a) of the *Local Government Act 1999* are not required to be recorded in the Register.

### 13. Related Policies and Procedures

- 13.1 Elected member Training and Induction Policy

### 14. Approval and History

Version	Approval Date	Approval By	Change
8	28/11/2022	Council	<p>Policy reviewed and updated in new template.</p> <p>Legislative review and updated to reflect changes</p> <p>Policy updated to include key policy principles, mandatory reimbursements, Presiding member</p> <p>Recognition of Elected Members included.</p>

### 15 Availability

- 15.1 The Policy is available to be downloaded, free of charge, from Council's website [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
- 15.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub  
 34 Church Street, Salisbury SA 5108  
 Telephone: 84068222  
 Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

## 16 Review

- 16.1 A review of allowances and benefits paid to Elected Members can be undertaken as part of the internal audit process.
- 16.2 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 Elected Members allowances, reimbursements, and benefits for their term in office (section 77(2) *Local Government Act 1999*).

### Further Information

For further information on this Policy please

contact: Responsible Officer: Governance

Manager

Address: 34 Church Street, Salisbury SA 5108

Telephone: 8406 8222

Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

### COUNCIL MEMBER EXPENSE REIMBURSEMENT CLAIM

(Relating to expenses claimed under S.76 & 77 of the *Local Government Act 1999*, the *Local Government (Members Allowances and Benefits) Regulations 2010* and detailed in the Council Members' Allowances and Benefits Policy

*This form must be completed by Council Members when claiming the reimbursement of expenses.*

Name:	
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#### TRAVEL EXPENSES AND TRAVEL TIME PAYMENT (if applicable)

##### Personal Vehicle

Date	Council function or business purpose for travel*	Km
	TOTAL KILOMETRES CLAIMED:	
<b>Office Use Only:</b> _____ Kilometres @ _____ ¢/km = \$		

Motor Vehicle Details (where applicable):

Model and make	
Engine size	

Bus and/or Taxi Costs (where applicable):

Date	Council function or business purpose for travel	Cost
	TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

\*NOTE: Travel claims must relate to expenses actually and necessarily incurred by the Member in travelling to or from a prescribed meeting provided the journey is an eligible journey and is by the shortest or most practicable route. For the purposes of this form the term "eligible journey" means a journey between the principal place of residence, or a place of work, of a Member of the Council, and the place of a prescribed meeting (in either direction), in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

CARE EXPENSES

Date	Prescribed meeting attending requiring care**	Hrs care provided	Cost
	TOTAL REIMBURSEMENT CLAIMED:		

Please attach copies of all receipts

\*\*NOTE: A "prescribed meeting" means a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member.

TELEPHONE/OTHER TELECOMMUNICATION EXPENSES

Claim period start	Claim period end	Details of expense being claimed	Cost
		TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

CONFERENCE/SEMINAR/TRAINING COURSE EXPENSES

Date	Conference/Seminar/Training Course details	Cost
	TOTAL REIMBURSEMENT CLAIMED:	

Please attach copies of all receipts

Select preferred method of payment: Cheque  Direct Debit

If not provided previously or your details have changed, please complete your details below:

BSB:	
Bank and Branch:	
Account No:	
Account Name:	

Please remember to attach all paperwork supporting your claim otherwise payment will be delayed.

I confirm that the above claims for reimbursement are true and accurate, have been actually and necessarily incurred in the performance of my official duties as a Council Member with the City of Salisbury and are made in accordance with section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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OFFICE USE ONLY

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Processed by: \_\_\_\_\_ Date: \_\_\_\_\_