

POLICY NO LG01 ELECTED MEMBERS ALLOWANCES AND SUPPORT POLICY

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN:	... build and maintain strong relationships and partnerships through consultation, engagement and collaboration
STATUTORY AUTHORITY:	Local Government Act 1993
OBJECTIVE:	<p>The <i>Local Government Act 1993</i> prescribes that all Elected Members are entitled to receive a general allowance and reimbursement for expenses incurred in travelling, telephone rental and calls and care of a dependent while carrying out Councillor duties.</p> <p>The Act also makes provision for Council to resolve to adopt a Policy to reimburse Elected Members for a range of additional expenses, eg travel outside the Council area, attendance at conferences, or to be provided with support, eg computers, printers, administrative consumables.</p>
POLICY INFORMATION:	<p>Adopted 19 March 2012 – Minute No 03/12.15.4.069 Reviewed 16 April 2012 – Minute No 04/12.15.8.112 Amended 17 December 2012 – Minute No 12/12.15.5.354 Amended 21 August 2014 – Minute No 08/14.15.3.253 Amended 17 August 2015 – Minute No 11/15.11.5.216 Amended 24 June 2019 – Minute No 06/19.16.6.154</p>

POLICY

1. ELECTED MEMBERS ALLOWANCES AND SUPPORT PRINCIPLES

- 1.1 Break O'Day Council will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable and transparent, and in accordance with the *Local Government Act 1993* and *Local Government (General) Regulations 2015*.
- 1.2 This policy summarises the provisions of the Act and Regulations in respect to Elected Members allowances, expenses and support, sets out the types of expenses and the circumstances in which those expenses will be reimbursed.
- 1.3 In setting this policy, Council considered the overall support provided to Elected Members, that is, annual allowances paid, pursuant to Regulation 42 “*Allowances for Elected Members*” of the Regulations. It is to be noted this is an allowance and not a wage, as such it is expected that it does cover some costs associated with the performance of the duties of an Elected Member.
- 1.4 The Elected Members allowances contained within this policy will be reviewed annually.

2. THE LOCAL GOVERNMENT ACT 1993 (“THE ACT”)

- 2.1 Schedule 5 – “*Office of Elected Members*” of the Act provides that Council may approve the reimbursement of certain prescribed expenses incurred by Elected Members, under a policy adopted by Council.
- 2.2 This policy specifies the types of expenses that will be reimbursed without the specific approval of Council, and the process for Elected Members to obtain reimbursement of those expenses. Some other specified reimbursements require approval prior to commitments.

3. THE PRINCIPLES

- 3.1 This policy is underpinned by the following principles:
 - 3.1.1 Elected Members should not be out-of-pocket as a result of performing and discharging official Council functions and duties.
 - 3.1.2 Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- 3.2 Elected Members are entitled to receive:
 - 3.2.1 An annual allowance as provided for in Regulation 42.
 - 3.2.2 Reimbursement of prescribed travelling and dependent care expenses associated with attendance at Council/Committee meetings, pursuant to Regulation 43.
- 3.3 Council has also agreed to:
 - 3.3.1 Reimburse certain prescribed expenses pursuant to Schedule 5 of the Act.
 - 3.3.2 Provide Elected Members with facilities and support to assist them in performing and discharging their functions as provided for in Part (2) of Schedule 5 of the Act.

4. ROLES AND RESPONSIBILITIES

- 4.1 This policy will apply to all Elected Members.
- 4.2 The General Manager is responsible for:
 - 4.2.1 Implementing expense reimbursement procedures in accordance with this policy;
 - 4.2.2 Maintaining a Register of Allowances and Benefits provided;
 - 4.2.3 Implementing a review of allowances paid to Elected Members annually;
 - 4.2.4 Ensuring a copy of this policy is available for inspection and purchase by the public.

5. ENTITLED ALLOWANCES AND REIMBURSEMENTS

All Elected Members are entitled to the prescribed allowance as determined by legislation, notwithstanding this, the Mayor, Deputy Mayor or Elected Member may decide not to receive part of or all of an allowance. Any Elected Member making this decision is to advise the General Manager in writing.

6. LEAVE OF ABSENCE

- 6.1 Any Elected Member granted leave of absence from Council, shall receive their appropriate member's allowance.
- 6.2 Any Elected Member granted leave of absence from Council for a period greater than one (1) month, shall continue to receive their Councillor allowance for the period, however in the case of Mayor or Deputy Mayor, they will only receive the Councillor proportion of the allowance not the additional allowance for Mayor or Deputy Mayor roles.

7 ATTENDING SEMINARS AND CONFERENCES

Council will pay for the cost of Elected Members to attend Council approved seminars, conferences and training programmes, including accommodation and travel expenses providing these are arranged through the General Manager once approved in writing by the Mayor.

Unless specific circumstances exist and there is a resolution of Council, attendance at seminars and conferences will be restricted to a total payment of \$2,000.00 per year. This restriction does not apply to the Mayor or Deputy Mayor or any Elected Member acting on the Mayor's behalf.

An allowance for meals and incidentals will be paid for overnight stays, where these are not part of the conference registration package. The rates will be paid as per the current rate set by the Australian Taxation Office.

8 ATTENDEE AT FUNCTIONS

The Mayor, Deputy Mayor and Elected Members may receive invitations to attend functions in their capacity as an Elected Member.

Invitations with budgetary implications, will be referred to the General Manager for approval prior to agreeing to attend (retrospective payments will not be provided). Requests for approval will only be considered where the invitation is addressed specifically to the Elected Member and attendance will be beneficial to the Elected Member in the performance of their duties.

9 ACCOMPANYING PARTNERS/GUESTS

A Partner or guest may accompany an Elected Member to conferences or a function where other attendees are generally accompanied by partners.

Council will not pay or reimburse for guests' or partners' travel or social packages, unless specifically approved by a vote of Council.

10 TRAVEL

- 10.1 Elected Members are entitled to receive reimbursement for travelling within the area of Council and dependent care expenses associated with attendance at Council and Committee meetings and other activities directly related to Council as detailed below:
- 10.1.1 Reimbursement is restricted to “eligible journeys by the shortest or most practicable route”.
 - 10.1.2 Elected Members who reside full time or part time outside the Council boundary are only eligible for travel from the boundary to the place of the meeting.
- 10.2 Where an Elected Member travels by private motor vehicle, the rate of reimbursement will be paid as per the current rate set by the Australian Taxation Office. Where travel is outside the municipal area, travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred, but is still limited to eligible journeys by the shortest or most practicable route. Travel by public vehicle within the municipality is not eligible unless prior arrangements is made and approved by the General Manager.

11 ADDITIONAL REIMBURSEMENT AND SUPPORT

Council also approves the reimbursement of expenses and support to Elected Members as described below:

11.1 Use of Council Vehicle

- 11.1.1 For authorised activities outside the Municipality, Elected Members are encouraged to use one (1) of Council’s vehicles, if available, when attending meetings or functions on behalf of Council. Council’s Executive Officer is the contact person to arrange a vehicle. Conditions of use of these vehicles are:
- 11.1.1.1 As the main use of the vehicle is to be Council business the Council shall meet costs related to the use of the vehicle.
 - 11.1.1.2 The vehicle may be driven by other members of the public but only whilst the Council representative is in the vehicle or whilst that person is assisting the Council representative to carry out Council business.
 - 11.1.1.3 Should the Council incur any penalty other than the normal insurance excess on any insurance claim as a result of any illegal action whilst the vehicle is being used, the cost of such penalty shall be borne by that Council representative.
 - 11.1.1.4 Smoking is prohibited in the vehicle.
 - 11.1.1.5 The driver shall pay for speeding fines and any other traffic violations, which incur a penalty.

- 11.1.1.6 The vehicle shall be used in a manner which complies with the manufacturer's specification (eg maximum load, weight of towed vehicles, etc).

11.2 Meal Provision – Council Meetings

For attendance at monthly Council meetings, morning tea and lunch will be provided and if meetings extend beyond 6.00pm an evening meal will be provided.

11.3 Communication Expenses

Elected Members may claim a maximum reimbursement of \$50.00 per month for mobile phone or fixed line call expenses that are directly related to Council business. The Mayor may have a Council mobile phone issued, their phone included in Council's telephone package, or equivalent arrangements negotiated with the General Manager, on request.

11.4 Business Cards

Elected Members will be provided (a maximum of 250 business cards per calendar year per Elected Member). These are to be requested through Council's Executive Officer.

11.5 Other Expenses

11.5.1 Expenses incurred for the care of any person who is dependent on the Councillor and requires the care while the Councillor is carrying out their duties or functions as a Councillor. Dependent care expenses are not reimbursed if the care is provided by a relative of the Elected Member who ordinarily resides with the Member.

11.5.1.1 Claims must be accompanied by a receipt from a licensed care provider showing the date and time care was provided and detail the reason care was needed on each occasion. Claims must be submitted on a fortnightly basis. Elected Members claiming reimbursement for care expenses are required to provide the General Manager with documentary evidence regarding their entitlement or non-entitlement to any Government support scheme. Any entitlement is to be off-set against the hourly rate charged by the registered Care provider.

11.5.1.2 Meals and accommodation costs associated with approved attendances at meetings and conferences.

11.5.1.3 Council will make available to Elected Members equipment and facilities to assist them in performing or discharging their official functions and duties. Any equipment supplied by Council is on the condition that the equipment remains the property of Council.

11.5.1.4 Elected Members will be provided with an internet/e-mail service for Council business. In the event that an Elected Member wishes to continue with their current service or wish to have an improved service, Council will reimburse a monthly

payment equivalent to the service provided by Council. This may vary with service provided and at the time of adoption of the policy is \$49.95 per month. An Elected Member can opt for a Council provided service at any time.

- 11.5.1.5 Electronic communication is the principle source between Council Officers and Elected Members. Council has issued electronic tablets to all elected members. Council will fund an appropriate data plan for all such devices issued.
- 11.5.1.6 Council will provide and maintain a printer and consumables for the printing of Council documentation, if requested.
- 11.5.1.7 All equipment is to be returned immediately to Council upon the Elected Member not continuing in the position or no longer requiring the equipment for Council purposes.
- 11.5.1.8 Council will provide a Council email address for Elected Members (eg Elected Member's christianname.surname@bodc.tas.gov.au).

12 EXPENSES AND SUPPORT REQUIRING COUNCIL APPROVAL

All other expenses, reimbursements and support not detailed above will require approval by Council on a case-by-case basis. It is expected approval should be sought prior to the expense being incurred, however it is acknowledged occasions may arise where this is not possible

13 CLAIMS FOR REIMBURSEMENT

- 13.1 Claims for reimbursement should be submitted on a monthly basis, however it must not be any longer than three (3) months after the expense has been incurred and must be completed on the prescribed form.
- 13.2 When making claims for reimbursement of expense, Elected Members must provide receipts, tax invoices and documentation to support a claim. Each claim must clearly identify the purpose, in order to make clear the basis of the claim and its relation to the policy guidelines.
- 13.3 Claims for reimbursement are to be submitted to the General Manager.
- 13.4 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part thereof is eligible under this policy, the matter will, in the first instance be brought to the attention of the Mayor who will, in turn, discuss the matter with the Elected Member making the claim. Should the question still remain, the matter is to be referred to a Closed Session of Council for a decision.

14 MONITORING AND REVIEW

This Policy will be reviewed every four (4) years following a Council Election in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.