

# Elected Member Support Policy



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Record number	D19/54840
Responsible Manager	Manager Governance & Policy
Other key internal stakeholders	
Last reviewed	10 March 2020
Adoption reference	Council
Resolution number	372
Previous review dates	9/5/18, (Previously Elected Member Allowances and Benefits Policy - Merged with Regular Reporting to Elected Members Policy and Council Delegate Policy) 22/9/15 (amended 9 August 2016), 25/11/14, 12/08/14, 09/04/13 (Elected Members' Allowances, Benefits, Facilities and Support Policy), 10/04/12, 14/6/11, 23/11/10, 13/7/10, 14/10/08, 13/3/07, 21/11/06, 28/2/06
Legal requirement	Reimbursement of expenses - section 77(1)(a) lapses at a general election of the Council.
Due date next review	2023

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## PURPOSE

The purpose of this Policy is to establish Council's position on what is fair and reasonable in regards to the allowances, benefits, facilities and support provided to Elected Members, that is necessary or expedient to the performance or discharge of their official functions and duties.

## POLICY

The City of Tea Tree Gully will ensure the payment of Elected Members' allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council is accountable and transparent and in accordance with relevant legislation and Council policy.

Council supports the principle that:

- Elected Members should be provided with support that is necessary or expedient to the performance or discharge of their official functions and duties
- Elected Members should not be out-of-pocket as a result of performing and discharging their official Council functions and duties
- All facilities, services and support provided to the Elected Members, other than those specifically provided to the position of Mayor will be available to all members equally
- Any Elected Member may decline to receive all or part of their allowance, or use of Council facilities or support.

Members may only use the reimbursements, facilities, support and services provided by Council for the purpose of carrying out official functions and duties of Council. To do otherwise without approval of Council and reimbursing Council for the additional costs incurred could breach section 78(3) of the Act. This Policy recognises limited application of reasonable private use of technology, provided there is no additional cost to Council.

Any reimbursements or support sought outside of Council policy will need to be referred to Council for a decision.

## Allowances / Sitting Fees

### Allowances

Elected Members are entitled to receive an annual allowance (under section 76 of the Act and regulation 4 of the Regulations) as determined by the independent Remuneration Tribunal of South Australia. This Determination establishes allowances for Councillors, Mayor, Deputy Mayor, and Presiding Members of Committees for different groups of councils, and provides for increases on an annual basis. All allowances paid under this section will be paid monthly in arrears by electronic funds transfer to a nominated bank account. A statement of earnings will be provided to Elected Members at the conclusion of each financial year.

### Sitting Fees

Council's Assessment Panel (CAP) has set sitting fees for the Elected Member who Council nominates to CAP as outlined in 'Committee Structure – Terms of Reference and Membership'.

## Reimbursement of Expenses (Section 77 of the Act)

Council recognises that section 77(1)(a) of the Act identifies a number of expenses that must be reimbursed to members, if claimed. It is not appropriate for Council Policy to decide further on these types of expenses. Such expenses are outlined in regulation 5 of the Regulations, which include travelling costs and child care costs incurred for a Prescribed Meeting.

Section 77(1)(b), however, provides for Council to prescribe certain types of expenses that may be reimbursed to the Elected Members at the discretion of Council (within the limitations of regulation 6 of the Regulations). Council has formed the view that the various forms of reimbursements as set out in this Policy and in the Act and Regulations will be approved subject to the requirements of this Policy.

All requests for reimbursements under this Policy must be forwarded to Council's Governance and Policy Department with the following:

- The relevant reimbursement application form
- A tax invoice being received for the incurred expense (within 6 months of the expense being incurred)
- Any relevant conditions and relevant policies relating to Elected Members being met.

Council may elect to pay the provider directly to obtain any purchase or discount, rather than reimburse the relevant Elected Member. All payments and reimbursements to Elected Members will be performed by electronic funds transfer to their nominated bank account with reimbursement remittance advices being also distributed electronically.

## Attendance at Conferences, Seminars and Training Courses

Council has formed the view that it is important for Elected Members to be well informed and well educated with the necessary skills to make appropriate decisions for the benefit of the City of Tea Tree Gully. In order to achieve this, Council supports Elected Members attending relevant conferences, seminars and training sessions in accordance with Council's Elected Member Training and Development Policy.

## Communication Support

Council recognises that it is extremely important that Elected Members have reliable electronic access to the internet and email services in order to effectively assist in the performance or discharge of their official functions and duties.

Each Elected Members will be provided a City of Tea Tree Gully email account. This email account must be used for all Council related business.

The email address, preferred postal address and contact number/s for each Elected Member will be provided on Council's website.

In order to assist members in accessing this benefit, Council will reimburse Elected Members as follows:

1. Expenses incurred for Telecommunications usage up to a maximum of \$1,000 per Elected Member per financial year for use relating to Council business (reimbursements ideally to be lodged monthly or quarterly)
2. Mobile devices up to a maximum amount of \$3,000 per Elected Member per Council term including:
  - Device to access Council agendas, minutes, email or receiving Council documentation electronically as an alternative to hard copies
  - Device to receive/make phone calls
  - Accessories (eg. cover, screen protector, mouse, antivirus software, keyboard, wireless printer)

Note: IT Policies and Guidelines can be access via the CEO to assist Elected Members with suitable mobile devices.

An Elected Member will not be able to claim reimbursement for point 2, as above, in the six months prior to a periodic election.

Council recognises that from time to time it will be efficient use of Elected Members' time for them to undertake minor and personal tasks using the electronic support resources provided by Council. Council does not oppose this use provided that it is in accordance with any relevant legislation including sections 62(4) and 78(3) of the Act and it is not for election campaigning or private business use purposes. This use should be limited in time and regularity. It will be deemed improper use if it exposes Council to additional costs.

In the event additional costs are incurred by Council as a result of an Elected Member using Council facilities for personal use, it is the responsibility of the Elected Member to reimburse Council for those additional costs or otherwise personally provide for the consumables.

Any use of Council resources is made with the understanding that such use is not secure, is not private, is not anonymous and is subject to monitoring. Systems are monitored internally and by external service providers to ensure compliance with standards, legislation and otherwise to ensure system integrity and security. Some monitoring activities may require disclosure to the Mayor, the CEO, relevant authorities and other external entities.

Corporate records are managed in accordance with the Records Management Policy.

A secure Elected Members' website/Hub is provided for the purpose of a reference point and communication tool from management to Elected Members for relevant information not readily available to the public to assist Elected Members to perform their duties.

## Other Costs

Council appreciates that other costs may be claimed under this section. Council will consider each application on its merits when lodged by the Elected Member at the time the costs are incurred and manage them in accordance with Council's delegations, legislation and relevant policies.

## Provision of Facilities and Support (Section 78 of the Act)

The following facilities and support are to be provided to the Elected Members to assist in the performing or discharging their official functions and duties:

### Council Nominated Delegate and associated expenses

At its meeting on 24 March 2020 (resolution 388) Council resolved that the Deputy Mayor of the City of Tea Tree Gully shall be Council's nominated voting delegate at meetings of the LGA, LGFA and ALGA. The Mayor is Council's nominated delegate for other events where the Mayor is expected to attend or has been invited as Council's delegate expect where the Deputy Mayor shall be Council's nominated delegate for the purposes of attending any community group or sporting group events as well as any other invitational events or meetings where Council staff are in attendance in the course of their official functions and duties in accordance with Council resolution number 351 and dated 25 February 2020. Other events could be functions such as award presentations or meetings with Federal and State Government Members of Parliament on local government matters. In the case of the Mayor being unable to attend that meeting or event, the delegate should be nominated in the following order:

1. Deputy Mayor
2. One of the Ward Councillor(s) to which the matter relates.
3. Discretion of the Mayor / Deputy Mayor. Where possible such opportunities should be shared between Elected Members.

The delegate should provide a verbal report as soon as possible to Council on the activities and is encouraged to submit a short written report for consideration in the Mayor's report where attending on behalf of the Mayor.

Council can also nominated delegates to represent Council at external bodies. A list is maintained in Council's Committee Structure – Terms of Reference and Membership.

The costs associated with attendance at these meetings or events as Council's delegate will be reimbursed by Council. Typical costs that may be included are registration, travelling, car parking and/or accommodation. Council will reimburse based on the most cost effective and efficient option at the discretion of the CEO.

### Office of the Mayor - Support

At its meeting on 29 June 2020 (resolution 486) Council removed facilities and support specifically provided for the Office of the Mayor. The Office of the Mayor will have access to facilities and support as provided for every other Elected Member which is outlined in this Policy.

At its meeting on 25 May 2021 (resolution 877) Council resolved:

*“That the City of Tea Tree Gully Ceremonial Chains be made available to be worn by the Deputy Mayor (or their nominee) at all events where they are representing the City in an official capacity.”*

## Meeting Office Rooms

Elected Members are to have access to the following rooms and spaces for their use:

- **Elected Members' Office** (supplied with telephone, printer/photo copier/scanner, and internet access for multiple devices )
- **Elected Members' Meeting Room** (supplied with a digital television with a DVD player, refrigerator, table and chairs)
- **Elected Members' Balcony** (supplied with table and chairs).

Elected Members are to have access to refreshments as follows:

- **Elected Members' Office** – tea and coffee facilities and biscuits
- **Elected Members' meeting room** - refrigerator with soft drinks, water, beer and a limited range of spirits
- **Banksia Room** - refrigerator with soft drinks, water, beer and a limited range of wine and spirits will be made available after meetings.

Elected Members will be provided with a key and access to these rooms on a 24 hours per day / seven days a week basis subject to Council's general building security conditions.

## Elected Member Meals

Elected Members and employees attending meetings are to be provided with a meal prior to Council and Committee meetings or any other meeting that the Mayor or CEO considers appropriate and necessary.

A light supper will be provided for Elected Members after each evening Council Meeting. The Mayor may invite guests to the supper at his discretion.

## Printing and Stationery Supplies

Various forms of printing and stationery supplies will be provided to each Elected Member. The provision of printing and stationery can be provided under both section 77 and 78 of the Act, depending if it is provided directly by Council or reimbursed to Elected Members.

These costs will be limited to \$1,500 for the Mayor and \$750 per Councillor per financial year (except for proportionate limits provided under section 'Use of Council Facilities in the Caretaker Period').

Printing and stationery supply (and/or services) costs may include but not be limited to the following examples:

- Blank copy/printing paper (of the same standard used throughout the Council office)
- Printer ink cartridges
- Diaries, note paper, pens and paper, document holders etc
- Envelopes, stamps or postage
- Corporate Business cards / business calling cards (to be ordered in batches of a minimum of 250 per time)
- Design and/or printing cost for customised stationery
- Corporate Christmas cards (provided electronically)
- Name Badge.

City of Tea Tree Gully corporate branded letterhead (including use of Council logo) will not be provided or used either electronically or in hard copy by Elected Members, with the exception of the Office of the Mayor.

Elected Members (excluding correspondence managed in the Council office) will also not have access to any postage facilities such as envelopes, stamps or prepaid envelopes.

Elected Members will be provided with a corporate standard template for their signature for emails which will only include:

- Elected Member's Name
- Ward Name
- Contact Details

### Personal Protective Equipment (PPE)

Elected Members will be provided with a PPE high visibility vest to be worn at site visits with Council staff and where necessary. The vest will not include the Council branding or logo.

### Corporate Brand Clothing

Upon request, Elected Members will be provided with a City of Tea Tree Gully corporate tie and scarf. This is only to be worn when undertaking their official functions and duties as an Elected Member. Any other corporate wear will not be provided and/or is not permitted to be worn by Elected Members.

### Personal Counselling and Support Program

Where Elected Members require support in managing Council related or personal matters that impact on being able to perform their roles, functions and duties, the Elected Member will be provided access to the Council's Employee Assistance Service, at the same standard made available to Council employees.

Personal matters could be matters such as, but not limited to:

- Grief, bereavement or trauma
- Depression, anxiety
- Stress management
- Conflict resolution.

Access to this support program is confidential to the attendee only. A notation will be made in the Elected Member Allowances and Benefits Register in the "Other" section and will not identify any individual Elected Member.

## Use of Council Facilities during the Caretaker Period

Council has a Caretaker Policy, which states that during the Caretaker Period Elected Members must limit their use of equipment and facilities e.g. computer, printer, stationery to a business-as-usual usage in accordance with Council's Caretaker Policy and relevant legislation.

In the financial year leading up to a general local government election, stationery supply limits will be established for the prescribed Caretaker Period. Limits will be proportionate for the period of July to the final declaration in November –

Stationery – Councillor	Stationery - Mayor
5 months / 12 months of \$750	5 months / 12 months of \$1,500
Proportional amount: \$312.50	Proportional amount: \$625

## Obtaining Legal Advice

Under this Policy, Elected Members will be provided with access to legal advice from Council's panel of lawyers to represent the Elected Member on certain matters. When an Elected Member requires legal advice, Council's practice is that they should speak to the CEO, relevant Director or Manager who will consider and advise. On rare occasions situations could arise where the involvement of the CEO, Director or Manager may be inappropriate. In these instances only the Mayor (unless the matter relates to the Mayor) may access Council's panel of lawyers for legal advice. Where legal advice has been accessed in relation to a matter that is in accordance with sections 6-8 of the Act and this Policy, Elected Members will be provided the full text of any written legal advice.

Council will not provide access to legal advice or pay for the legal costs of individual Elected Members in relation to the initiation of defamation proceedings by an Elected Member.

Council will only pay for legal costs for individual Elected Members obtained from Council's panel of lawyers where:

- Advice in relation to a Code of Conduct matter or investigation by a relevant authority is sought up to an amount of \$2,500 per matter
- At the Elected Members request, to advise an Elected Member during a third party investigation (in addition to any legal support for a Code of Conduct complaint) up to an amount of \$2,500 per occasion
- Advice is sought relating to public officer reporting obligations
- The issue relates to potential conflicts of interest that may affect them
- The proceedings relate to issues of civil liability and therefore invoke consideration of the section 39 immunity (of the Act)
- The expenditure can be demonstrated that the legal action relates to the achievement of Council's role, functions and objectives and/or the Elected Member's role. Each case requires a Council resolution supporting the payment, which will be determined by Council with regard to legal and merit considerations.

This Policy aside, any Elected Member may seek initial or additional approval (or reimbursement) from Council for any legal advice sought or obtained but it will be at the discretion of Council whether approval is granted, or reimbursement is to occur.

Conflict of interest advice for Elected Members will be excluded from the Elected Member Allowances and Benefits Register on the basis that the advice assists Elected Member in fulfilling their legislative responsibilities rather than being a benefit.

## Other

### Gifts and Benefits received from Parties external to Council

Council's Code of Conduct for Council Members (clause 3.10) establishes that where a gift or benefit is received by an Elected Member, a family member or an associate of an Elected Member (if received as a result of an Elected Member's position on Council and excluding conference kits) must be declared and recorded. The Elected Member Gifts Register is to be used for this purpose. The current specified value of \$100 (including GST) has been set by State Government, which means that any gift or benefit with a value of or above \$100 must be recorded on the Elected Member Gifts Register.

Any gift received by an Elected Member above the value of \$750 must also be included in the respective Elected Member's Primary and Ordinary returns as required by Schedule 3 of the Act.

### Relevant History Screening

All Elected Members, within 60 days of the commencement of their term on Council, will be required to obtain a History Screening check (i.e National Police Clearance Check or a DSCI Screening Check) in accordance with Council's Policies and Procedures.

### Elected Member Functions

A Christmas function will be held for Elected Members each calendar year to recognise their contribution to Council. This will be arranged by the CEO in consultation with the Mayor and Deputy Mayor.

In an Election Year, a function may also be held, before the conclusion of the Council Term, to recognise and appreciate the contribution of Elected Members for the Council Term.

### Allowances & Benefits Register

In accordance with legislative requirements and good governance, a register of Elected Member Allowances and Benefits which includes all identifiable forms of benefits and support including Council's delegate costs provided to Elected Members will be recorded, maintained and published on Council's website, unless otherwise specified in this Policy. This register is updated monthly and maintained on Council's website.

The resources and support provided in the distribution of Council and Committee agendas and reports are not included in this Register along with any staff support.

## Reporting to Elected Members

Council acknowledges the importance of effective communication between its employees and Elected Member body. Elected Members will be provided with regular information reports as follows:

## CEO's Monthly Information Report

In order for Council's Elected Members to be kept informed of certain Council operational activities, the CEO will provide an electronic monthly information report (as soon as practicable at the beginning of each calendar month) detailing the following information for the relevant period:

- CEO's Activities (major activities outside of Council)
- Employee movements - incoming and outgoing
- Court Actions Involving Council (not including Expiation Notices, Environment, Resources and Development Court matters or standard debt recovery notices)
- Overview of planning applications lodged with Council each month (number and value of) and trends in planning applications as a 12 month overview
- Insurance Claims lodged with Council's insurers for civil liability and Council property claims with any personal details removed
- Variations to contracts not reported to Council previously that are either greater than \$100,000 per contract or, + or - 10% for any contract over \$500,000 in total value
- Grant funding applications made on behalf of Council
- Map of Modbury Precinct Revitalisation
- Confidential items that have been released for the month in question
- The CEO may add any additional item to this report that they wish to report to Council in this format.

The above information should be treated as confidential in nature and must not be made available to the public, unless the CEO indicates otherwise. Any breach of confidentiality will be dealt with under the Code of Conduct for Council Members.

## Elected Member Weekly Summary

To enhance communication between Council employees and Elected Members, a weekly summary will be provided to Elected Members on Council's public website detailing the following:

- Key Government correspondence and LGA Circulars for the relevant period
- Councillors' Activities (supplied by individual Elected Members)
- Seminars/Conferences (available to Elected Members)
- Nominations for External Bodies
- Diary Dates (future City of Tea Tree Gully events such as meetings, ceremonies, functions etc).

## LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area, unless Council determines Elected Members are entitled to receive reimbursement of expenses in accordance with, but outside those specifically prescribed by legislation.

The following legislation applies to this Policy:

### [Local Government Act 1999](#)

Section 61 - Access to Council document in connection with the performance or discharge of his/her functions or duties.

Section 62 - An Elected Member must not make improper use of such information to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to Council.

### Sections 76-80 - Allowances and Benefits

This part of the Act covers allowances, reimbursement of expenses under legislation and Council policy, provision of facilities and support, register of allowances and benefits, and insurance of members.

Section 77(2) - Any Policy addressing reimbursement of expenses lapses at a general election of the council.

Section 79 - A Register must be maintained to record allowances, expenses or other benefits, as well as be available to the public during ordinary office hours.

Section 137 - Council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts.

### [Local Government \(Members Allowances and Benefits\) Regulations 2010](#)

The regulations provide information about allowances, benefits, facilities and support to its Elected Members that Council may provide.

### **Code of Conduct for Council Members**

This Code is located in the South Australian Government Gazette, 29 August 2013, p. 3598).

## Other references

Council's documents including:

- [Caretaker Policy](#)
- [Children and Vulnerable Persons Safe Environment Policy](#)
- [Committee Structure – Terms of Reference and Membership](#)
- [Elected Member Training and Development Policy](#)
- [Elected Member Gift Register](#)
- [Elected Member Allowances and Benefits Register](#)
- [Fees and Charges Register](#)
- [Records Management Policy](#)

External document including:

- [Remuneration Tribunal Determination](#) – Members of Local Government Council (Determination 7 of 2014)

## STRATEGIC PLAN/POLICY

### Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement

## DEFINITIONS

For the purposes of this policy the following definitions apply:

### Act

Local Government Act 1999.

### ALGA

Australian Local Government Association

### Caretaker Period

The Election Period will be as defined in the Local Government (Elections) Act 1999 (from the close of nominations until the conclusion of the election). For an election that is held in accordance with section 56 of the Local Government Act 1999, this will commence on the date of a declaration under this section that relates to the council and ending on the day on which general elections for the council held pursuant to that section conclude.

### CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

### Elected Members

Includes the Councillors and the Mayor of the City of Tea Tree Gully.

### LGA

Local Government Association

### LGFA

Local Government Finance Authority

### National Police Check or DSCI Screening Check

Is the process of obtaining information about Elected Members, employees, volunteers, contractors or consultants, where it is deemed relevant to working in a child, youth or vulnerable person related area

### Telecommunications

Is any communication cost related to a mobile or home device (i.e phone calls, mobile data, home broadband)

## POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

## ACCESSIBILITY

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.cttg.sa.gov.au](http://www.cttg.sa.gov.au)

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council's Civic Centre at 571 Montague Road, Modbury SA 5092.