

POLICY 2.06

Governance

Elected Members Allowances and Benefits

Version: 4 | Next Review: 2022



POLICY STATEMENT

To provide direction for the payment of Elected Member allowances and the reimbursement of expenses in accordance with the Local Government Act 1999 and Local Government (Members' Allowances and Benefits) Regulations 1999.

POLICY DETAIL

1. Introduction

This policy has been developed and adopted primarily to accommodate section 77(1)(b) of the Local Government Act 1999 by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made. It outlines the process and procedure for Council Members to obtain reimbursement of those expenses. In addition, this policy covers payment of annual allowances to Council Members, the provision of facilities and support and the basis on which these are made available.

The District Council of Tumby Bay will ensure that the payment of Council Member allowances, the reimbursement of expenses, and the provision of facilities and support is accountable and transparent, and in accordance with Chapter 5, Part 5 of the Local Government Act 1999 ("the Local Government Act 1999") and the Local Government (Members Allowances and Benefits) Regulations 2010 ("the Regulations").

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the Local Government Act 1999 provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is:

- (i) to participate in the deliberations and civic activities of the Council;
- (ii) to keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
- (iii) to keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

This policy summarises the provisions of the Local Government Act 1999 and Regulations in respect to Council Members' allowances, the provision of facilities and support, reimbursement of the different types of expenses, the circumstances in which those expenses will be or can be reimbursed and what benefits Council Members receive that must be recorded for the purposes of maintaining the Register of Allowances and Benefits.

Council Member allowances are determined by the Remuneration Tribunal.

An allowance determined by the Remuneration Tribunal will, take effect from the first ordinary meeting of the Council held after the conclusion of the relevant periodic election.

In accordance with Regulation 4 of the Regulations, (and for the purposes of s.76 of the Local Government Act 1999), an allowance may be paid in instalments up to 3 months

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in advance or 3 months in arrears of each month in respect of which an instalment is payable.

This policy, in its entirety, will automatically lapse at the next general election of the Council.

2. District Council Of Tumby Bay Charter – The Principles

This policy is underpinned by the following principles:

- Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- To assist Council 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.
- Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties, which will be assessed according to the role of a Council Member under the Local Government Act 1999.
- Council encourages continued professional training and development for Council Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
- The accountability of the Council to its community for the use of public monies.

3. Roles and Responsibilities

This policy applies to all Members of the Council, who have an obligation to follow the process and procedure set by this policy.

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

1. Maintain the Register of Allowances and Benefits;
2. Ensure copies of this policy are available for inspection and purchase by the public at the principal office of the Council.
3. In addition, the Chief Executive Officer is responsible for:
4. Implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act 1999, the Regulations and this policy; and
5. Ensuring a copy of this policy is provided to all Council Members.

4. Entitled Allowances and Reimbursements

4.1 Allowances

Council Members are entitled to receive the following annual allowance as determined by the Remuneration Tribunal pursuant to Section 76 of the Local Government Act 1999 for performing and discharging their official functions and duties.

The Chief Executive Officer of a Council must ensure that a record (the Register of Allowances and Benefits) is kept in which is entered, the reimbursement of expenses incurred in performing or discharging official functions and duties.

Allowances for the Council Members elected at the November 2018 elections are as follows:

Mayor – \$26,000 per annum

Deputy Mayor / Chairperson of Committee – \$8,125 per annum

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Council Member – \$6,500 per annum

Council Member allowance shall be paid 3 months in arrears.

4.2 Travel and Child/Dependant Care

In addition to the allowance paid under section 76 of the Local Government Act 1999, Council members are entitled to receive reimbursement for travelling within the area of Council and child/dependant care expenses associated with attendance at a “Prescribed Meeting”.

A “Prescribed Meeting” is defined under the Regulations in relation to a member of a Council, being 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:

- reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) 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 Local Government Act 1999. For reimbursement for travel outside the Council area refer to “Additional Reimbursement, Facilities and Support” below.
- 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.
- 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.

A 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.

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 a relative of the Council member who ordinarily resides with the Council Member provides the care. A definition of “relative” is contained in section 4 of the Local Government Act 1999.

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

5. Additional Reimbursement, Facilities and Support

5.1 Additional Reimbursement

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Additional prescribed expenses incurred by Council Members that are capable of being reimbursed by the Council are expenses that do not fall into the type of prescribed reimbursement outlined above, but must still be expenses incurred in performing or discharging official functions and duties.

Section 77(1)(b) of the Local Government Act 1999 provides that the Council (meaning the Council Member 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. These additional types of reimbursed expenses should also be distinguished from the payment of allowances by the fact that the allowance is paid without the Council Member needing to make a claim. They can also be distinguished from the reimbursement of entitled travel and child/dependant care expenses associated with attendance at a Prescribed Meeting. This is to be made upon the basis that claims for those types of expenses do not require the Council's approval, either by a resolution or under a policy as reimbursement of those expenses is specifically mandated by the Local Government Act 1999.

Regulation 6 of the Regulations sets out the types of additional prescribed expenses that may be reimbursed under section 77(1)(b), being:

- 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 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 Local Government Act 1999);
- 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 dependant of the Member requiring full-time care
- incurred 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 Local Government Act 1999); 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 Local Government Act 1999).

For the purposes of this Policy, and pursuant to s.77(1)(b) of the Local Government Act 1999, the Council approves the reimbursement of additional expenses of Council Members as described below:

5.2 Travelling Expenses

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Pursuant to section 77(1)(b) of the Local Government Act, Council approves reimbursement of the following types of expenses when incurred by a Council Member in traveling:

- to a function or activity on the business of the Council; and
- in undertaking an eligible journey to the extent those expenses are attributable to travel outside the area of the Council.
- travel related to attendance of a Council or Council committee meeting being an “eligible journey” (as defined in Regulation 3), as it is attributable to travel outside the Council area.

Council Members will receive reimbursement for expenses incurred in travelling to a function or activity on Council business.

The following conditions apply to these expenses:

- travel both within and outside the Council area must be incurred by the Council 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/Chairperson 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 organizations as a Council appointed representative – but not to attend meetings of community groups or organizations when fulfilling the role of a local representative, and not as a member of the Board of any such community group or organisation.
- reimbursement is restricted to the shortest or most practicable route.
- 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.
- car parking fees will be reimbursed (where they are a consequence of a Council Member attending a function or activity on the business of the Council).
- travel by taxi, bus, plane 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.

5.3 Travel Time Payment

Pursuant to the determination by the Remuneration Tribunal, Council Members (excluding Principal Members) of non-metropolitan Councils are eligible for payment for travel time payment where the Council Member’s:

- usual place of residence is within the relevant Council area and is located between 30km and 50km from their Council’s principal office, via the nearest route - \$410 per annum;

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- usual place of residence is within the relevant Council area and is located between 50km and 75km distance from their Council's principal office, via the nearest route - \$700 per annum;
- usual place of residence is within the relevant Council area and is located between 75km and 100km distance from their Council's principal office, via the nearest route - \$1050 per annum;
- usual place of residence is within the relevant Council area and is located 100km or more distance from their Council's principal office, via the nearest route - \$1490 per annum;

The time travel allowance is paid in addition to any entitlement to reimbursement of expenses actually incurred.

5.4 Other Expenses

Pursuant to section 77(1)(b) of the Local Government Act 1999 the Council approves reimbursement of:

- expenses incurred for the care of a child of a Council Member or a dependant of the Council Member requiring full time care as a consequence of the Council Member's attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under s.77(1)(a) of the Local Government Act 1999).
- expenses incurred by the Council 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 Council Member (other than expenses for which the Member is reimbursed under s.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, e.g. under Council's "Council Member Training and Development Policy". Where attendance at the conference, seminar etc is approved the following types of expenses are capable of being reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals.
- expenses incurred in the use of a telephone, internet, facsimile or other communication device on the business of the Council, e.g. Internet access to LGA.net.

NOTE – supporting receipts must be provided in order to validate the claimed reimbursement.

5.5 Facilities and Support

The reimbursement of any other expense not covered by this policy and prescribed in Regulation 6 must be approved by resolution of the Council.

In addition to allowances and the reimbursement of expenses, the Local Government Act 1999 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. [refer s.78]

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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).

The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the Local Government Act 1999 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.

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 facilities and support to assist them in performing and discharging their official functions and duties:

- A mobile phone has been made available to the Principal Member;
- An i-Pad has been made available to the Principal Member.

In addition, although not required by the Local Government Act 1999, the Council has determined that the provision of the above facilities and support are made available to all Council Members (including the Principal Member) 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).

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 Local Government Act 1999. The use of such facilities would be a breach of the Council's Caretaker Policy.

5.6 Expenses and Support Requiring Council Approval

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

5.7 Claims for Reimbursement

All claims for reimbursement including adequate evidence must be submitted to the Chief Executive Officer on the forms provided for this purpose on a quarterly basis for the purposes of maintaining the Register of Allowances and Benefits.

5.8 Other Benefits Received

There is no express interpretation in the Local Government Act 1999 of the term “benefits” received or provided to Council Members. However, it is common for the Council to incur costs or pay for expenses (or provide a non monetary benefit) for the “benefit” of Council Members in the course of, or related to the performance of the Council Member’s role, functions or duties, as opposed to reimbursing them. Where the Council pays up-front for expenses that would otherwise be reimbursable, or provides Council Members with facilities or services that can be quantified for each Council Member, these are provided to Members for their “benefit”. For example if a Council Member attends at the ALGA conference in Canberra in November of any year, and the Council meets all or any of the costs associated with that attendance upfront, that is a “benefit” provided to the Council Member. Another example of a “benefit” is where the Council provides, at its own cost, all Council Members with business cards for their use in performing their official functions and duties.

The cost of “benefits” needs to be quantified for each Council Member (to the extent they can be) on a quarterly basis and recorded in the Register of Allowances and Benefits pursuant to section 79(1) of the Local Government Act 1999 as a “benefit” provided to that Council Member.

6. Register of Allowances and Benefits

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 only be required—

- (a) to enter details of any expenses reimbursed under section 77(1)(b) of the Local Government Act 1999 (in the case of section 79(1)(b)), or of other benefits paid or provided (in the case of section 79(1)(c)); or
- (b) 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 Local Government (Allowances and Benefits) Regulations 2010.

Those reimbursements paid under section 77(1)(a) of the Local Government Act 1999 are not required to be recorded in the Register.

However, the Chief Executive Officer is required to record in the Register changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members and the provision of a discretionary reimbursement [s.77(1)(b) of the Local Government Act 1999] or a benefit not previously recorded in the Register.

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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 Chief Executive Officer or Finance Officer on the last business day of each quarter.

The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the Council's office, Mortlock Street, Tumby Bay during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

7. Annual Review/Audit

All claims submitted for payment will be checked and authenticated prior to acceptance and payment.

8. Review and Evaluation

Council Member allowances are determined by the Remuneration Tribunal. The correctness and effectiveness of this policy will also be reviewed and evaluated annually.

This entire 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, additional reimbursements and benefits for their term in office (s.77(2) Local Government Act 1999).

9. Availability of the Council Members' Allowances and Support Policy

This policy will be available for inspection on the Council website www.tumbybay.sa.gov.au or at Council's principal office during ordinary business hours. Copies of the policy may be purchased at the Council Office, Mortlock Street, Tumby Bay at a cost of \$16.50 per copy.

Any queries or questions regarding this policy should be directed to Chief Executive Officer by calling 8688 2101 or by emailing dctumby@tumbybay.sa.gov.au.

Strategic Link:

Delegation:

Documentation:

Policy No. 5.15 Travel Allowance & Reimbursement
Complaints form

Authority: Adopted by Council: 18/11/2014 {Motion No 4c/112014}
Reviewed by Council: 10/11/2015 {Motion No 7c/112015}
Reviewed by Council: 15/11/2018 {Motion No 8c/112018}



SIGNED:

Responsible Officer

Date: 15 / 11 / 2018

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Appendix

Form 1 – Council & Committee Meetings Expense

Lodge with: Chief Executive Officer/Finance Officer

Council Member’s Reimbursement Claim Form 1

Name:

Period:

Total Reimbursement Claim Amount: \$.....

Reimbursement of prescribed expenses associated with attending Council and Council committee meetings that are not subject to Council approval (Refer to section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 1999*)

1. Travel Expenses

Date of Travel	Council Function or Business Attended*	Mode of Transport	Distance Travelled (km)**, if Motor Vehicle

Details of your motor vehicle (where applicable):

- Model and make of motor vehicle:
- Engine size:
- Total number of kilometres for reimbursement claim:

Bus and/or taxi costs (where applicable):

- Reimbursement claim: \$.....

Please attach copies of all receipts.

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*NOTE: Travel claims must relate to expenses actually and necessarily incurred by the Member in travelling to or from a meeting of the Council or Council committee provided the journey is an eligible journey and is by the shortest or most practicable route. For the purposes of this Form 1 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*.

2. Care Expenses:

Name of Child/Dependant	Date of Care	Council or Council committee meeting attended	Hours of Care Provided	Care Provider

○ Reimbursement claim: \$.....

Please attach copies of all receipts.

Select preferred method of payment: Cheque EFT *

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

BSB: _____

Account No: _____

Bank and Branch: _____

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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 and are made in accordance with s.77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

.....
Signature of Council Member

Date:

FOR OFFICE USE ONLY

.....
Signature of Chief Executive Officer/Finance Officer (Acknowledging receipt)

Date:

Claim processed by:

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Form 2 – Other Council Approved Expenses

Lodge with: Chief Executive Officer/Finance Officer

Council Member’s Reimbursement Form 2

Name:

Period:

Total Reimbursement Claim Amount: \$.....

Reimbursement of Council approved expenses (Refer to section 77(1)(b) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010* and the Council Member’s Allowances & Benefits Policy)

1. Travel Expenses

Date of Travel	Council Function or Business Attended	Mode of Transport	Distance Travelled (km), if Motor Vehicle

Details of your motor vehicle (where applicable):

- Model and make of motor vehicle:
- Engine size:
- Total number of kilometres for reimbursement claim:

Bus and/or taxi costs and associated receipts (where applicable):

- Reimbursement claim: \$.....

2. Care Expenses

Name of Child/Dependant	Date of Care	Council Function or Business Attended	Hours of Care Provided	Care Provider

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- Reimbursement claim: \$.....

3. Telephone, Facsimile or Other Telecommunications Device

- Reimbursement claim: \$.....

Please attach copies of the applicable telephone account/s or facsimile transmissions highlighting those calls being claimed for reimbursement

4. Conference, Seminar or Training Course

Date	Council Function or Business Activity	Venue/Location of Function or Business Activity

- Reimbursement claim: \$.....

Please attach copies of all receipts.

Select preferred method of payment: Cheque EFT *

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

BSB: _____

Account No: _____

Bank and Branch: _____

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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 and are made in accordance with s.77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

.....
Signature of Council Member

Date:

FOR OFFICE USE ONLY

.....
Signature of Chief Executive Officer/Finance Officer (Acknowledging receipt)

Date:

Claim processed by:

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