

CITY OF WEST TORRENS



Notice of Council Meeting

NOTICE IS HEREBY GIVEN in accordance with Sections 83, 84, 87 and 88 of the *Local Government Act 1999*, that a meeting of the

Council

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 29 NOVEMBER 2022
at 7.00pm

Terry Buss PSM
Chief Executive Officer

City of West Torrens Disclaimer

Please note that the contents of this Council Agenda have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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1 MEETING OPENED**1.1 Acknowledgement of Country****1.2 Evacuation Procedures****1.3 Meeting Livestream****2 PRESENT****3 APOLOGIES****Council Members:**

Cr Jassmine Wood

Cr Lana Gelonese

Cr Daniel Huggett

4 DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the meeting of the Council held on 1 November 2022 and Minutes of the meeting of the Special Council held on 8 November 2022 be confirmed as a true and correct record.

6 MAYORS REPORT**7 ELECTED MEMBERS REPORTS****8 PETITIONS**

Nil

9 DEPUTATIONS

Nil

10 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS**10.1 Chief Executive Officer's Performance Review General Committee Meeting****RECOMMENDATION**

That the Minutes of the Chief Executive Officer's Performance Review General Committee Meeting held on 20 October 2022 be noted and the recommendations adopted.

11 QUESTIONS WITH NOTICE

Nil

12 QUESTIONS WITHOUT NOTICE**13 MOTIONS WITH NOTICE**

Nil

14 MOTIONS WITHOUT NOTICE

15 REPORTS OF THE CHIEF EXECUTIVE OFFICER

15.1 Results of the 2022 City of West Torrens Periodic Elections

Brief

This report presents the outcomes of the City of West Torrens 2022 Periodic Local Government Elections.

RECOMMENDATION

It is recommended to Council that the results of 2022 City of West Torrens Periodic Elections be received.

Introduction

Section 5 of the Act requires that elections, to determine the membership of Council, must be held every four years with voting closing at 5pm on the second to last business day before the second Saturday in November, i.e. 10 November 2022. These elections are known as periodic elections (Elections).

Pursuant to s10 of the *Local Government (Elections) Act 1999 (Act)*, as the appointed Returning Officer for the City of West Torrens 2022 Periodic Elections (Elections), the Electoral Commissioner of South Australia (Commissioner) managed Council's elections. As part of this mandate, the Commissioner appointed a Local Deputy Returning Officer to oversee and administer the elections on behalf of the City of West Torrens, particularly in relation to the counting and scrutiny of the ballots/votes received (Count).

The Commissioner also appointed Council's General Manager Business and Community Services as the Council Liaison Officer to oversee and administer the City of West Torrens' obligations under the Act and liaise with the Electoral Commission of South Australia (ECSA), in particular with the Local Deputy Returning Officer. In addition, the Commissioner appointed several Council staff as Electoral Officers who reported to and assisted the Council Liaison Officer in the elections.

Discussion

As part of the elections, all of Council's fifteen (15) Elected Member positions were declared vacant on 23 August 2022 and candidate nominations for these positions were opened. Thirty four (34) nominations were received by close of nominations at 12pm on 6 September 2022. The number of nominations received in six (6) wards exceeded the number of positions vacant. These wards were Keswick, Hilton, Plympton, Lockleys, Airport and Thebarton and elections were required to be held for these six (6) wards. The number of candidate nominations received for the position of Mayor and Morphett Ward did not exceed the number of positions vacant and, as a result, elections were not required to be held.

Voting for the elections closed at 5pm on Thursday 10 November 2022. Subsequent to the close of the vote, the scrutiny and count was undertaken in the George Robertson Room, Civic Centre, 165 Sir Donald Bradman Drive, Hilton on both Saturday 12 November 2022 and Sunday 13 November 2022 with candidate scrutineers in attendance. This process was managed and overseen by the Local Deputy Returning Officer who, following the completion of each ward's ballot count, provisionally declared the election of two of the candidates standing for election in that ward. The scrutiny and count was conducted for each ward in the following order:

- 1. Keswick**
- 2. Hilton**
- 3. Plympton**
- 4. Lockleys**
- 5. Airport**
- 6. Thebarton**

Recount

Section 49 of the Act provides the ability for an unsuccessful candidate to submit a request to the Commissioner seeking a recount of the votes cast in relation the vacancy at any time within 72 hours after the returning officer has made a provisional declaration.

In line with s49, a recount request for Thebarton Ward was submitted and approved by the Commissioner. Subsequently, the recount of all ballots cast in that ward took place at 41-55 Holden Street, Hindmarsh at 3pm on Thursday 17 November 2022. Candidates were advised and scrutineers were present.

The completion of this recount saw the provisional declaration, that of Peta-Anne Louth being elected to the Thebarton Ward, overturned and Graham Nitschke elected.

Certification of Results

In concluding the Elections, the Commissioner formally declared (certified) the following candidates duly elected on Friday 18 November 2022 as detailed below:

Mayor	Michael Coxon (elected unopposed)	
Ward	Successful Candidates	No. Candidates
Keswick Ward	John Woodward Elisabeth Papanikolaou	6
Hilton Ward	Sam Whiting Cindy O'Rielley	4
Plympton Ward	Lana Gelonese Surender Pal	5
Lockleys Ward	Kym McKay Daniel Huggett	4
Airport Ward	Jasmine Wood Sara Comrie	6
Morphett Ward	Anne McKay George Demetriou	2 (elected unopposed)
Thebarton Ward	Zoi Papafilopoulos Graham Nitschke	6

The Commissioner will provide a report on the Elections which will include more comprehensive information than the attached letter confirming the outcomes of the Elections. This will be provided to Members when it is received.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct environmental impact in relation to this report.

Conclusion

This report presents an overview of the results of the City of West Torrens' 2022 Periodic Local Government Elections.

Attachments

- 1. Commissioner's Certification of the City of West Torrens Elections Final Results - November 2022**

OFFICIAL



17/11/2022

Mr Terry Buss
 Chief Executive Officer
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 HILTON 5033

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Dear Mr Buss

Re: 2022 Council Election Results

In accordance with section 50 of the *Local Government (Elections) Act 1999* (the Act), I enclose the results for the November 2022 council elections.

The council elections were conducted by post and telephone assisted voting for blind and low vision electors, and electors who are interstate or overseas. Voting material comprising of ballot papers, candidate profiles, a postal voting guide, a ballot paper envelope containing the elector's declaration and return envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5pm on Thursday 10 November with the scrutiny and count commencing at 9am on Saturday 12 November 2022 at City of West Torrens, 165 Sir Donald Bradman Drive, Hilton SA 5033.

In accordance with section 50 of the Act, I, Mick Sherry, Returning Officer, confirm the provisional declarations and certify the results for the following elections, with the following candidates being elected:

Mayor	Vacancies 1
COXON, Michael Stuart	Elected Unopposed
Councillor for Keswick Ward	Vacancies 2
WOODWARD, John	Elected 1
PAPANIKOLAOU, Elisabeth	Elected 2
Councillor for Hilton Ward	Vacancies 2
WHITING, Sam	Elected 1
O'RIELLEY, Cindy	Elected 2
Councillor for Plympton Ward	Vacancies 2
GELONESE, Lana	Elected 1
PAL, Surrender	Elected 2

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Councillor for Lockleys WardMCKAY, Kym
HUGGETT, DanielVacancies 2
Elected 1
Elected 2**Councillor for Airport Ward**WOOD, Jassmine
COMRIE, SaraVacancies 2
Elected 1
Elected 2**Councillor for Morphett Ward**DEMETRIOU, George
MCKAY, AnneVacancies 2
Elected Unopposed
Elected Unopposed**Councillor for Thebarton Ward**PAPAFILOPOULOS, Zoi
NITSCHKE, GrahamVacancies 2
Elected 1
Elected 2

All candidates will be notified in writing of the results of the elections and I enclose a report on the outcome for your council. Candidates will receive copies of the reports and copies of the full scrutiny and count details are available on the ECSA website.

Yours sincerely

Mick Sherry
RETURNING OFFICER

OFFICIAL

15.2 Council Meeting Schedule

Brief

This report proposes the meeting dates, times and place of Council's ordinary meetings for a four year period commencing 1 December 2022 to the conclusion of the term of Council.

RECOMMENDATION

It is recommended to Council that:

1. Its ordinary Council Meetings, for the period 1 December 2022 to the conclusion of the term of Council, be held at 7.00pm on the third Tuesday of every month, with the exception of December of each year when it will meet on the second Tuesday of the month, in the Council Chamber, Civic Centre, 165 Sir Donald Bradman Drive, Hilton SA 5033.
2. The Chief Executive Officer, in consultation with the Mayor, be delegated the authority to vary the time, date and location of any Ordinary Council meeting to accommodate any conflicting function, event or unforeseen circumstance.

Introduction

Following the November 2022 Local Government elections, councils are required to determine the meeting dates, times and places of their ordinary meetings pursuant to s 81 of the *Local Government Act 1999* (Act) which prescribes the requirements for establishing the frequency and timings of ordinary meetings of Council. Ordinary meetings must be held at times and places appointed by resolution of Council and Council must hold at least one ordinary meeting each month.

The purpose of the ordinary meetings of a council is to make decisions on the strategic and policy matters presented to it in relation to its operations. Written reports are provided by the Chief Executive Officer in advance of the meeting, in the form of a Council agenda, for consideration by Members. Each meeting allows for questions to be asked of and answered by the Administration.

All councils are required to establish their ordinary council meeting schedule at their first ordinary meeting following the periodic elections. Generally, this is undertaken in the absence of information about the proposed Council Committee meetings meeting schedule, which is usually presented separately at a later date. However, given the information contained in this report results in a proposed change to both Council's meeting schedule and Council's Committee meetings schedule, this report also contains information relating to proposed changes to Council's Committees.

Discussion

Council Meeting Frequency

Elected Members are only able to conduct the business of Council and make decisions when they come together as the Elected Body (Council) at a formal meeting of Council. One of the first duties of the Elected Body is to determine, in advance, when, where and how regularly it will hold its ordinary meetings. However, there is no legislative requirement compelling Council to hold more than one Council meeting per month.

In setting its ordinary meeting schedule, Council must have regard to s81 of the Act which provides the following criteria:

- There must be at least one ordinary meeting of Council in each month;
- Ordinary meetings of Council must not be held on Sundays or Public Holidays;
- Ordinary meetings of Council must not be held before 5pm unless Council resolves to do so unanimously by all members of Council.

Previous Councils have resolved to meet twice per month at 7pm on the first and third Tuesday of each month, with the exception of December each year when they be held on the second Tuesday of the month and in January when they be held on the third Tuesday of the month however, many other metropolitan councils only meet once per month i.e. Cities of Adelaide, Unley, Port Adelaide Enfield, Salisbury, Onkaparinga, Playford etc.

Committees

By way of background, previous Councils established two Standing Committees (being committees comprising all Members and known as 'committees of the whole') as well as two General Committees being meetings which generally comprise no more than 8 Members known as 'committees of the part'. Committees are established, primarily, to assist Council in the performance of its functions and provide advice to Council.

Standing Committees have always been held on the same night as Council meetings. Because of this, and albeit erroneously, they are perceived as having a higher standing than General Committees when, in reality, in law this is not the case. This legal position is supported by the fact that all chairs of Council's Committees receive the same presiding member's allowance regardless of whether they chair a Standing or General Committee. It should also be noted that the terms 'Standing Committees' and 'General Committees' are terms that previous Councils have adopted to differentiate between the committees of the whole and committees of the part for this Council.

In addition to those Standing and General committees which are established at the will of Council (two Standing and two General), Council is legally required to establish two statutory committees being the Audit Committee and the CEO's Performance Review Committee. The CEO's Performance Review Committee generally meets once per year while the Audit Committee is only required to meet once per year and Elected Membership to the Audit Committee is restricted by statute.

Separate to these four committees, the Mandelson Trust Deed requires Council to maintain a committee, established under the Deed for the management of the Mendelson Trust. In addition, Council is required to appoint members to its Building Fire Safety Committee but is not able to appoint Elected Members to this committee. These two Committees along with the Audit Committee and the CEO's Review Panel are not the subjects of this report.

Regardless of its categorisation, no Committee enjoys delegated authority. In other words, no Committee can make a decision in its own right. Rather, it makes recommendations to Council for Council's consideration and approval or amendment.

More information on each Committee will be presented to Council in January when it establishes its committee structure, appoints the chairs and members, terms of reference and meeting times and date.

Council Meetings

Previous Councils have held their Council meetings twice per month, on the 1st and 3rd Tuesdays of the month with the exception of December each year when it only met on the 2nd Tuesday of the month and in January each year when it only met on the 3rd Tuesday of the month. This provided Members with a 5 to 6 week break over the Christmas and New Year period.

The City Services and Climate Adaptation Committee was held on the 1st Tuesday of the month while the Finance and Governance Committee was held on the 3rd Tuesday of the month. To facilitate this, the process comprised:

Council meeting commenced and dealt with present, apologies, disclosure statements, confirmation of the previous Council meeting minutes, Mayor's report, Elected Members' reports, petitions and deputations. At this point, the Council meeting is adjourned, the Mayor steps down from the Chair, the Presiding Member of the relevant committee takes the Chair and the Standing Committee proceeds.

At the conclusion of the Standing Committee, the Mayor resumes the Chair and the Council meeting resumes. At this point, the recommendations of the relevant Standing Committee are approved by Council then the meeting proceeds in line with the remainder of its agenda.

While this seems straight forward and expeditious, Council is obliged to give due consideration to each recommendation of the relevant Committee before it approves or pulls out a report from the Committee for further consideration. Doing so immediately after the Committee meeting does not allow Members to consider the implications of the recommendations and/or seek further information before the recommendations are approved. It should be noted that while Council approves the recommendations of a Standing Committee, held while the Council meeting was adjourned, immediately on resumption of the Council meeting. This is at variance with the length of time Members have available, generally one or more weeks, to consider the recommendations of a General Committee and seek further information prior to approval of its recommendations.

Proposed Meeting Structure

Consequently, it is proposed that the following meeting structure be approved to ensure sufficient time for Members to consider the recommendations of all its Committees prior to them being presented to Council as follows:

- Council to meet on the 3rd Tuesday of each month with the exception of December each year when it will meet on the 2nd Tuesday of the month.
- Both the City Facilities and Waste Recovery Committee and the City Advancement and Prosperity Committees be designated as Standing Committees thus increasing the number of Standing Committees to four.
- Both the City Services and Climate Adaptation and City Facilities and Waste Recovery Standing Committees be held on the 1st Tuesday of February, April, June, August and October of each year.
- Both the Finance and Governance and City Advancement and Prosperity Standing Committees be held on the 1st Tuesday of March, May, July, September and November of each year.
- No changes to the Audit Committee and CEO's Review Panel General Committees are proposed at this time.

Regardless of the timing of Committee meetings, urgent matters are able to be presented directly to Council outside of the Committee meeting schedule.

Council does not need to approve the timing of the proposed Standing Committees' meeting schedule at this time as they will be subject to separate reports to establish these Committees, rather, the information about the proposed Committee schedules is provided for context.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct environmental impact in relation to this report.

Conclusion

This report seeks Council's determination of its Ordinary Meeting and Standing Committees schedule for the term of the Council.

Attachments

Nil

15.3 Summary of Lapsed Motions 2018-2022

Brief

This report provides a summary of those Council motions which lapsed at the conclusion of the 2022 City of West Torrens Elections pursuant to Regulation 12(20) of the *Local Government (Procedures at Meetings) Regulations 2013*.

RECOMMENDATION

It is recommended to Council that the Summary Report on Motions which Lapsed at the Conclusion of the 2022 City of West Torrens Periodic Elections be received.

Introduction

Regulation 12(19) of the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations), states that any motion, identified as questions in the Regulations, that the former Council resolved to 'lie on the table' lapses at the conclusion of a periodic/general election. In addition, regulation 12(20) requires the Chief Executive Officer (CEO) to report, at the first ordinary meeting of a Council following each periodic election, on each such motion that lapsed.

Discussion

During the 2018-2022 term of Council, there was one (1) motion which Council resolved to 'lie on the table' at its 2 April 2019 meeting.

Year	Council	Committees
2018/2019	1	0
2019/2020	0	0
2020/2021	0	0
2021/2022	0	0
Total	1	0

Note: The above statistics include Council, Standing and General Committee meetings for the period 2018-2022.

This motion was in relation to the adoption of the recommendations of the City Facilities and Waste Recovery General Committee meeting held on 26 March 2019, specifically in relation to Item 8.4 of the Committee agenda being *Apex Park, Lockleys Oval and Mellor Park - Update*.

FORMAL MOTION

Moved: Cr John Woodward

Seconded: Cr Kym McKay

That consideration of Item 8.4 Apex Park, Lockleys Oval and Mellor Park - Update from the Adoption of General Committee Recommendations of the City Facilities and Waste Recovery General Committee Meeting held on 26 March 2019, lie on the table.

CARRIED

As it was not retrieved by Council prior to the conclusion of the November 2022 City of West Torrens Periodic Elections, the motion has lapsed.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct environmental impact in relation to this report.

Conclusion

This report provides a summary of the one (1) motion which the former Council resolved to 'lie on the table' and which lapsed at the conclusion of the 2022 City of West Torrens Periodic Elections.

Attachments

Nil

15.4 Council Policy - Elected Members Allowances, Facilities, Support and Benefits

Brief

This report presents the *Draft Council Policy - Elected Members Allowances, Facilities, Support and Benefits* to Council for its consideration and approval.

RECOMMENDATION

It is recommended to Council that:

1. The current *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* be revoked.
2. The *Draft Council Policy - Elected Members Allowances, Facilities, Support and Benefits* be approved.
3. Pursuant to section 78(2)(a) of the *Local Government Act 1999*, Council resolves that the provision of facilities, support and benefits contained in its *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* are necessary and/or expedient to the performance or discharge of official functions or duties by Elected Members.
4. The Chief Executive Officer be delegated authority to make amendments of a formatting and/or minor technical nature to the *Council Policy - Elected Members Allowances, Facilities, Support and Benefits*.

Introduction

The *Local Government Act 1999* (Act) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (Regulations) provide for the:

- payment of allowances to Elected Members;
- reimbursement of expenses expended by Elected Members in the performance and discharge of their functions and duties; and
- provision of other facilities and support as resolved by Council where those benefits assist Elected Members in the performance or discharge of their official functions and duties.

Section 78 of the Act states that a council is able to make available to Elected Members, on a uniform basis, those facilities, benefits and support which it determines are necessary and/or expedient to the performance and discharge of its Elected Members official duties and functions via the approval of a policy which details the allowances, facilities, support and benefits provided.

Elected Members are not required to accept all, or part thereof, of the facilities, benefits and support offered.

As required by the Act, the Policy has been subjected to a scheduled and extensive review by the Administration, the results of which are presented for consideration and approval by Council (Draft Policy) (**Attachment 1**).

Discussion

The Draft Policy proposes those facilities, benefit and support to be made available to Elected Members, on a uniform basis, that are considered necessary for the effective and expedient discharge and functions of Elected Member's official duties as well as detailing the process for reimbursement of expenses.

While Council does not set Elected Members allowances, this is the role of the Remuneration Tribunal of South Australia (Remuneration Tribunal), the Draft Policy provides summary details about these.

Allowances

An Elected Member is entitled to an annual allowance which is determined every four years by the Remuneration Tribunal for each group of councils in accordance with s76(2) of the Act. This allowance is indexed on the first, second and third anniversary of the 2022 local government elections.

Councils are grouped based on the ratio of members to ratepayers, the size, population and revenue of the council along with any relevant economic, social, demographic and regional factors associated relevant to the council. The City of West Torrens is defined as a Group 1B council, as are the cities of Holdfast Bay, Marion, Mitcham, Playford and Tea Tree Gully.

In July 2022, the Remuneration Tribunal determined that Elected Members of Group 1B councils will receive an annual allowance of \$22,828 per annum for year 1. They also set the allowance for the Principal Member, being four times the Members' allowance i.e. \$91,312.

While called 'allowances' they are still considered assessable income for taxation purposes and accordingly are required to be declared on Elected Members' income tax returns. The Allowance may also impact other benefits e.g. Centrelink. Therefore, Elected Members who are in receipt of other benefits are advised to contact the relevant authority for further information.

Reimbursement of Expenses

In addition to Elected Members' allowances, s77 of the Act provides for the reimbursement of other expenses either by a specific resolution of Council or as contained in a Council policy.

Regulation 6 of the Regulations states that reimbursement of the following types of expenses require Council's approval, either via the Policy or directly by Council depending on the expense to be incurred:

- Expenses incurred in the use of a telephone or other telecommunications device or in the use of a form of electronic communication, on the business of the Council.
- Travelling expenses incurred by an Elected Member as a consequence of an Elected Member's attendance at a function or activity on the business of the Council.
- Travelling expenses incurred by a Member in undertaking an 'eligible journey' to the extent that those expenses are attributable to travel outside the Council.
- Expenses for the care of a child of a Member or a dependant of an Elected Member requiring full-time care incurred by the Elected Member as a consequence of their attendance at a function or activity on the business of the Council.
- Expenses incurred by an Elected Member as a consequence of their attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of their roles or duties.

Facilities, Support and Benefits

Section 78 of the Act enables Council to specifically resolve to provide facilities and other forms of support to assist its Elected Members in the performance and discharge of their official functions and duties.

The legislation also stipulates that all facilities and other support must be made equally available to all Members, with the exception of the Principal Member who may be provided with additional resources. This does not mean that Members are obliged to accept facilities, support and benefits; rather, they need to be offered equally. Proposed facilities, support and benefits are presented in the Draft Policy.

Register of Allowances and Benefits

In accordance with s79 of the Act, and to promote openness and transparency, the Chief Executive Officer is legally required to maintain a register which details all allowances, reimbursements, support and benefits provided to Elected Members which, in turn, is presented to Council on a quarterly basis and is publicly available on Council's website.

To facilitate this requirement, the amounts claimed and reimbursed will be recorded by the way of the completion and submission of the appropriate forms by Elected Members.

Proposed Amendments to the Policy

Proposed amendment to the current Policy are shown as track changes in the Draft Policy. In addition, the Draft Policy provides commentary on the reasons for the changes.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct environmental impact in relation to this report.

Conclusion

As a result of a scheduled policy review, this report presents the Draft *Council Policy - Elected Members Allowances, Facilities, Support and Benefits* to Council for its consideration and subsequent approval.

Attachments

- 1. Council Policy - Elected Member Allowances, Facilities, Support and Benefits Policy - Draft**

City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

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Proposed

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City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

Council Policy - Elected Members Allowances, Facilities, Support and Benefits

1. Preamble

1.1 Council recognises that in order for Elected Members to undertake their official duties and functions in accordance with s59 of the Local Government Act 1999 (Act) effectively and expeditiously, they require access to necessary facilities and, support and benefits.

Commented [LJ1]: Provides what official duties actually are referencing the LG Act section - inclusion for clarity

~~4-11.2 All Elected Members have a responsibility to ensure their proper use.~~

4-21.3 Council supports the principle that Elected Members should not be out-of-pocket as a result of undertaking their official duties and functions. Consequently, Council will ensure that reasonable reimbursement is made for costs that are actually and necessarily incurred in the performance and discharge of their roles.

4-31.4 Council will ensure that payment of Elected Member allowances and the reimbursement of expenses is accountable and transparent and in accordance with s76 of the Local Government Act 1999 (Act) and the Local Government (Members Allowances and Benefits) Regulations 2010 (Regulations).

1.4 ~~Electronic communication facilities, such as telephones, Internet and E-mail, are Council resources provided for the purpose of assisting Elected Members in the proper discharge and performance of legislative functions and duties. All Elected Members have a responsibility to ensure their proper use.~~

Commented [LJ2]: Provision has been deleted and incorporated into clause 1.2. This clause is effectively a repetition of clause 1.1. Facilities has been defined as including electronic equipment (below)

2. Purpose

2.1 The purpose of this Policy is to formalise and document Council's agreed position in relation to the allowances, benefits, facilities, support and reimbursements of expenses it will make available to its Elected Members to assist them in the performance and discharge of their roles in accordance with sections 76, 77 and 78 of the Act and the Regulations.

3. Scope

3.1 This policy applies to all Elected Members.

4. Definitions

4.1 **Conclusion of the Election** is as defined in s4(2) of the Act.

4.2 **Consumer Price Index** is defined by s76(15) of the Act as the Consumer Price Index, 'All groups index for Adelaide,' published by the Australian Bureau of Statistics.

4.3 **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.

4.4 **Facilities** means any property or asset owned by the Council and includes (but is not limited to) reserves, buildings, meeting rooms, mobile phones, laptops, tablet computers, email facilities, scanners, printers etc.

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City of West Torrens Council Policy – Elected Members Allowances, Facilities, Support and Benefits

4.5 **Prescribed Meeting** means a meeting of the Council or Council Committee or an ~~informal gathering information or briefing session~~, 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 an Elected Member.

4.6 **Prescribed and Non Prescribed Committees** are the classifications applied by the Remuneration Tribunal for the purpose of determining the allowance to be paid to the Presiding Member of a Council Committee.

4.7 **Relative** is defined in ~~s4 of the Act~~ as a:

- ~~• spouse or domestic partner; or~~
- ~~• parent or remoter lineal ancestor; or~~
- ~~• son, daughter or remoter descendant; or~~
- ~~• brother or sister; or~~
- ~~• a stepfather, stepmother, stepson or stepdaughter; or~~
- ~~• any member of the person's family who resides in the member's household.~~
- Spouse or domestic partner; or
- Parent, step parent or remoter lineal ancestor; or
- Child, step child or remoter descendant; or
- Sibling or step sibling; or
- Any member of the person's family who resides in the person's household.

Commented [LJ3]: Definition of Relative amended in the Local Government Act as a result of the local government reforms. The amendment commenced 17 November 2022

~~4.8 Remuneration Tribunal means the Remuneration Tribunal of South Australia.~~

Commented [LJ4]: Not a definition and has been amended in clause 5.1.1 to reflect this.

4.89 **Services** mean benefits and support provided to Elected Members during their term of office.

5. Policy Statement

5.1 Allowances

5.1.1 Section 76 of the Act provides that all Elected Members are entitled to receive an annual allowance, determined by the Remuneration Tribunal of South Australia (Remuneration Tribunal), for performing and discharging their official functions and duties commencing on the conclusion of the relevant periodic election and concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999.

~~5.1.2 This determination applies to all Elected Members of a council in South Australia and is based on six council groupings. The Remuneration Tribunal has classified the City of West Torrens (CWT) as a Group 1B council for the purpose of determining the applicable allowance for Group 1B councils.~~

5.1.3 In addition to their Elected Member Allowance, an Elected Member who is appointed as a Presiding Member of a Council Committee, constituted in accordance with s41 of the Act, is entitled to an additional allowance determined by the Remuneration Tribunal. The amount of this allowance is dependent on the classification of the council and whether the Committee is classified as a prescribed or non-prescribed Committee.

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5.1.4 The Remuneration Tribunal will make Elected Member allowance determinations on a four yearly basis at least 14 days before the close of nominations in a general election. ~~Allowances will be adjusted on the first, second and third anniversary of the relevant general election to reflect changes in the Consumer Price Index, as described in the Regulations.~~

Commented [LJ5]: Restatement of 5.1.6. Deletion of duplicate.

5.1.5 The ~~City of West Torrens~~CWT will ensure the allowance, determined by the Remuneration Tribunal, ~~will be~~is paid monthly in arrears for the Mayor and quarterly in arrears for Councillors.

5.1.6 ~~In accordance with the determination by the Remuneration Tribunal,~~ Allowances paid to Members will be adjusted annually by the Consumer Price Index on the first, second and third anniversary of the ~~2022~~2018 Local Government Periodic Elections ~~as determined by the Remuneration Tribunal.~~

5.1.7 Any Elected Member may decline to receive their allowance or the use of any Council provided facility, benefit or support or part thereof.

5.1.8 If an Elected Member stands as a candidate for election as a member of State Parliament, section s55A of the Act 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. During the leave of absence period the Elected Member:

Commented [LJ6]: Inclusion of newly commenced provision of the Local Government Act as a result of the LG reform relevant to s55A

- is not entitled to receive any Council 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 a Council Member.

5.2 Reimbursement of Expenses

5.2.1 Section 77(1)(a) of the Act provides that all Elected Members are entitled to receive reimbursement for expenses, actually and necessarily incurred, of the kind prescribed in performing or discharging official functions and duties.

5.2.2 The ~~City of West Torrens~~CWT will ensure that the reimbursement of expenses is accountable, transparent and in accordance with the provisions in the Act and the Regulations.

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Eligible Journey Expenses for Attendance at Prescribed Meetings

- 5.2.3.1 In accordance with s5(1)(a) and s5(2)(a) of the [Regulations](#), travel expenses incurred will be reimbursed without the need for prior approval by Council for an eligible journey, within the Council area, when travelling to or from a prescribed meeting of the Council or Committee of the Council. However, the [Regulations](#) provide that:
- a. Travel must be by the shortest or most practical route.
 - b. If an eligible journey relates to travel between a place within the Council area and a place outside the Council area, in either direction, the Elected Member will only be reimbursed in respect of travel within the Council area.
 - c. If an Elected Member makes an eligible journey by private motor vehicle, the rate to be reimbursed will be equal to the appropriate rate per kilometre, determined according to engine capacity, prescribed for the purposes of calculating deductions for car expenses under s28-25 of the [Income Tax Assessment Act 1997](#) available at the Australian Taxation Office website, www.ato.gov.au.
 - d. Appropriate travel logs must be maintained by the Elected Member to ensure they are accurately reimbursed.

5.2.4 Travel Expenses for Journeys other than Eligible Journeys

- 5.2.4.1 Travel, other than to a prescribed meeting outside of the Council area will be reimbursed with prior Council approval. [If this travel relates to conferences, refer to the Council Policy - Elected Member Professional Development.](#)
- 5.2.4.2 Air travel within Australia will be reimbursed or paid for at economy class rates for all Elected Members. [Should-if international travel be is required](#), Council may determine that another class of travel is considered more appropriate and will be reimbursed or paid accordingly.

[5.2.4.3 If it is anticipated that a hire car will be required at the location to which an Elected Member is travelling, prior approval by Council, including the type or make of car and its range of use, is required.](#)

5.2.5 Dependant Care When Attending a Prescribed Meeting or Function

- 5.2.5.1 Expenses incurred for the care of an Elected Member's child(ren), or a dependant living with the Elected Member who requires full time care, as a consequence of an Elected Member's attendance at a prescribed meeting, function or other Council related activity will be reimbursed to a maximum of 8 hours per occasion of care.
- a. Reimbursement for child care expenses will be paid at the rate of \$25.00 per hour for 3 (three) hours, then \$30.00 for each hour thereafter.

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5.2.5.2 An Elected Member will not be reimbursed if the care is provided by a ~~relative of the Elected Member~~ person who ordinarily resides with the Elected Member.

5.2.6 General Requirements for Reimbursement Claims

5.2.6.1 Claims for reimbursements, other than vehicle expenses, can only be made with the submission of a tax invoice/ tax receipt. An ABN number must be displayed on the tax invoice receipt to comply with Goods and Services Tax (GST) requirements and submitted on the relevant form.

5.2.6.2 Elected Members may be entitled to reimbursement for expenses when travelling on approved Council business outside the Council area.

~~If this travel relates to conferences, refer to the Council Policy – Elected Members Attendance at Conferences and the Council Policy – Elected Members Training and Development.~~

Commented [LJ7]: Moved to clause 5.2.4.1 as it relates to travel

~~5.2.6.3 If it is anticipated that a hire car will be required at the location to which an Elected Member is travelling, prior approval by Council, including the type or make of car and its range of use, is required.~~

Commented [LJ8]: Moved to clause 5.2.4.3 as it relates to travel

5.3 Facilities and Services

5.3.1 General Principles

5.3.1.1 The facilities and services made available to Elected Members have been identified as necessary and/or expedient to the performance or discharge of their official functions or duties.

5.3.1.2 The provision of facilities and services will be available to all Elected Members on a uniform basis (other than those additional facilities, support and services will be made available for the benefit of the Mayor in accordance with [clause 5.3.3](#) of this policy).

5.3.1.3 In accordance with the provisions of the Code of Conduct for Council Members, an Elected Member must not use any facilities and services for a purpose unrelated to the performance or discharge of official functions or duties unless they have obtained the prior approval of the Council.

a. If Council approves the private use of its facilities and services, the Elected Member will reimburse the Council for the costs or expenses that relate to that private use.

5.3.1.4 Any facility provided to an Elected Member remains the property of Council at all times and is insured via Council's insurers.

5.3.1.5 Elected Members who retire or are not re-elected will be offered the opportunity to purchase, at market rate, any equipment provided to them i.e. mobile phones, tablets, laptops, printers, modems and routers etc. prior to disposal of the equipment via other avenues.

a. Equipment supplied by the Council that is not required by an Elected Member is to be returned and telephone services cancelled, at the Council's cost, within five working days of the

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end of the Elected Member’s term of office - or at any other time as determined by the Council.

- b. If the Mayor is provided with a motor vehicle, the vehicle must be returned to the ~~City of West Torrens CWT~~ at the conclusion of the Mayor’s term of office.

5.3.1.6 Council reserves the right to review and, if appropriate, withdraw an Elected Member’s facilities if they are not achieving the intended purpose or are being used inappropriately.

5.3.1.7 All servicing and maintenance of facilities must be arranged by the Administration.

~~5.3.1.8 Servicing and maintenance of equipment must only be arranged by the Administration.~~

Commented [LJ9]: This provision is a repetition of clause 5.3.1.7.

5.3.2 Facilities and Services - Elected Members

5.3.2.1 The Council will make the following facilities and services available to all Elected Members:

a. Administration or Office Facilities

- a name badge.
- a box of 250 business cards will be made available to Elected Members on request twice per financial year after which additional cards will be supplied at the requesting Elected Member’s own cost.
- access to the Elected Members Lounge which will have available a computer and printer for use by Elected Members.
- fridge stocked with soft drinks and water.

b. Information technology equipment and out of hours IT support:

- an appropriate Apple iPhone ~~XR 6.1"~~ with accompanying data plan.
- an appropriate Apple iPad ~~Pro 10.5"~~ or an Apple iPad ~~Pro 12.9"~~ or a ~~HP Windows EliteBook 850 G5 14"~~ laptop with accompanying data plan. The selected device will be provided with an accompanying data plan.
- A ~~Hewlett-Packard multifunction colour laserjet printer – model HP M181FW.~~

Commented [LJ10]: Removal of model numbers to ensure policy is not rendered inconsistent with market availability.

c. If an Elected Member elects to use their own information technology devices they will be reimbursed at the following rates:

- a monthly internet allowance of up to \$60 per month.
- a monthly reimbursement of \$60, for use of their own mobile phone for Council business.
- consumables associated with the use of information technology equipment i.e. paper, toner etc.

d. If Council owned and provided devices suffer accidental damage, they will be replaced or repaired once during the term of Council. Where ~~S~~subsequently incidents of damage arise, Elected

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Members will be responsible for funding the cost of repair or replacement of the device.

- e. The Administration will provide access to Council and Committee agendas, minutes and other relevant information via a tablet (iPad or other similar device) electronically, whether via a Council provided device or Bring Your Own Device (BYOD).

Commented [LJ11]: Broadens out to include more than agendas

f. Other Facilities and Services

- access to the Council Reception Room at Richmond Oval on match days in accordance with the [Council Policy - Council Reception Room and Richmond Oval](#).
- ongoing support and training including attendance at conferences approved on a case by case by Council.
- Elected Members will be provided with insurance that comprises:
 - benefits if bodily injury is sustained while engaged in any activity directly or indirectly connected with or on behalf of Council.
 - professional/public indemnity insurance that indemnifies Elected Members while undertaking their official duties. cover for damage to property and personal effects that occurs while Elected Members are engaged in Council business.
 - corporate travel cover for Elected Members and their partners/spouses while engaged in any activity directly or indirectly connected with or on behalf of Council, including while travelling to and/or from such activity.

5.3.3 **Additional Resources for the Mayor**

5.3.3.1 In addition to the facilities and services made available to Elected Members, the following facilities and services are made available to the Mayor:

- a. An office space and associated provisions including stationery, postage, and general expenses of the Mayor's office.
- b. Administrative support in accordance with Council's budget.
- c. A Cabcharge card
- d. A motor vehicle for which the Mayor will reimburse Council for private use on an annual basis.
 - (da) The following conditions will apply to the Mayor's vehicle as part of the Council vehicle fleet:
 - The vehicle will be of an appropriate standard recognising the responsibilities and status of the Office of the Mayor.
 - Servicing of the vehicle will be in accordance with purchase or lease arrangements and arranged through the Administration.
 - A fuel card will be provided.
 - All mechanical problems must be reported to the Administration immediately.

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- The vehicle is to be maintained and kept in a clean and tidy condition at all times.
- If possible the vehicle is to be parked off-street overnight.
- The towing of any boat trailers or any trailer/caravan in excess of the vehicle makers stated weight is not allowed.
- Any fines for offences under the [Road Traffic Act 1961](#) and [Road Traffic \(Road Rules – Ancillary and Miscellaneous Provisions\) Regulations 2014](#) are the responsibility of the driver of the vehicle and will not be met by Council.
- The procedure to follow if the vehicle is involved in an accident must be stored in the glove box of the vehicle and followed in the event of an accident.
- No smoking is allowed in the vehicle.

~~5.3.3.2 Telephone lines in the homes of Elected Members are not a Council responsibility and will not be paid by Council.~~

Commented [LJ12]: Provision has been incorporated into clause 5.4 - Telephone accounts (below). Minor amendment to section title below as a result

5.4 **Telephones and Accounts**

- 5.4.1 Monthly charges for Council-owned mobile telephones will be paid by Council.
- 5.4.2 Elected Members are required to reimburse Council for any private use of a Council owned telephone.
- 5.4.3 Costs incurred that are associated with the use of a Council provided phone or tablet while overseas will be invoiced to the Elected Member unless the travel has been approved by Council.
- 5.4.4 Photocopies of telephone accounts will be provided to Elected Members monthly for their review and reimbursement of any personal charges or usage.

~~5.4.5 Telephone lines in the homes of Elected Members are not a Council responsibility and will not be paid by the Council.~~

5.5 **Security and Confidentiality**

- 5.5.1 Information regarding access to CWT's computer and communication systems should be considered as confidential information and not be divulged without authorisation.
- 5.5.2 Elected Members are expected to treat electronic information with the same care as they would confidential paper-based information.
- 5.5.3 Information should not be disclosed to any unauthorised third party. -It is the responsibility of the Elected Member to report any suspected security issues to the [Chief Executive Officer \(CEO\)EQ](#).
- 5.5.4 Elected Members ~~should be aware that~~ communications via Internet, [SMS](#), [social media](#) and e-mail, even if expressed to be confidential, may ~~have to be~~ [required to be submitted to OPI/Ombudsman/ICAC](#), disclosed in court

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proceedings, investigations by competition authorities and other regulatory bodies or in response to Freedom of Information applications.

5.5.5 Electronic communications sent and received in the conduct of CWT business are official records of the CWT and are required to be maintained in good order and condition under the State Records Act 1997. -Reference should be made to the Council Policy - Elected Member Records Management for the record keeping procedures to be used to record electronic communications properly.

5.5.6 The security of the Council's-CWT's data and information, communication and technology (ICT) infrastructure is paramount. Where-if necessary, Council's Information Services staff may take action, including interrupting services and/or devices to protect Council data and ICT infrastructure.

5.5.7 Prior to providing access via a personal device, a Bring Your Own Device (BYOD) Access Agreement must be completed and submitted.

5.6 **Register of Allowances and Benefits**

5.6.1 A register of Allowances and Benefits (Register) will be kept in accordance with s79 of the Act.

5.6.2 The Register will include all expenditure associated with allowances, mobile telephone/internet expenses, reimbursements, conference and seminar costs, training, the provision of equipment, insurance and consumables etc.

~~5.6.3 A person is entitled to inspect the Register without charge at the principal office of Council during normal office hours. In accordance with s132 and Schedule 5 of the Act, this register is available on the CWT website and a printed copy will be provide on request on payment of a fee fixed by Council.~~

Commented [LJ13]: Amendment as a result of changes to s79(3) and (4) as a result of the local government reform. This amendment has commenced.

~~5.6.4 A person is entitled to an extract from the Register for a fee set by Council and included in its Schedule of Fees and Charges.~~

5.6.4~~5~~ Details recorded in the Register will be reported to the Council on a quarterly basis.

16 LOCAL GOVERNMENT BUSINESS

Nil

17 MEMBER'S BOOKSHELF

Nil

18 CORRESPONDENCE

Nil

19 CONFIDENTIAL

Nil

20 MEETING CLOSE