

	M405 Members Allowances and Benefits	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

1. INTRODUCTION

The City of Mount Gambier will ensure that the payment of Council Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the LG Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").

This Policy sets out the provisions of the LG Act and Regulations in respect of Council Member allowances, expenses and support. This Policy is also provided in accordance with Section 77(1)(b) of the LG Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

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

- Participate in the deliberations and civic activities of the Council;
- Keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
- Keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

This Policy also explains the information that must be recorded within the Council's Register of Allowances and Benefits to ensure compliance with section 79 of the LG Act.

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

2. POLICY OBJECTIVE

To ensure Council Member allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council are compliant with the *Local Government Act 1999* and *Local Government (Members Allowances and Benefits) Regulations 2010*.

3. POLICY 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 LG Act.
- 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.

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4. SCOPE AND RESPONSIBILITIES

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

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

- Maintain the Register of Allowances and Benefits;
- Implement Consumer Price Index ('CPI') adjustment of allowances paid to Council Members (to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the CPI under the scheme prescribed by the Regulations); and
- Ensure copies of this Policy are available for inspection by the public at the principal office of the Council.

In addition, the Chief Executive Officer is responsible for:

- Implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy and any associated procedure; and
- Ensuring a copy of this Policy is provided to all Council Members.

5. ALLOWANCES

Council Member allowances are determined by the Remuneration Tribunal on a four (4) yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.

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. Council Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.

In accordance with Regulation 4 of the Regulations, (and for the purposes of section 76 of the LG Act), an allowance may be paid in installments up to three (3) months in advance or three (3) months in arrears of each month in respect of which an installment is payable.

The annual allowance for a Council Member is determined according to the relevant Council group. There are six Council Groups which are each explained within the determination of the Remuneration Tribunal. The annual allowance for:

- Principal members, is equal to four (4) times the annual allowances for Council Members of that council;
- Deputy mayor or deputy chairperson or a Council Member who is the presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowances for Council Members of that Council;

An additional allowance in the form of a sitting fee is also payable for Councillors who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).

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The determination applicable for the City of Mount Gambier from November 2018 is as follows:

Council: Group 2 classification (out of 5 Groups)
 Group 2: Base \$17,270.00

	Per Annum
Mayoral Allowance	4 times \$17,270.00 = \$69,080.00
Deputy Mayoral Allowance	1.25 times \$17,270.00 = \$21,587.50
Presiding Member prescribed committees	As for Deputy Mayoral Allowance
Council Members	\$17,270
Presiding Member of other committees (refer above)	\$170 per meeting to a maximum \$1,020.00 per annum

All allowances are paid by electronic funds transfer (EFT) in the first five (5) business days of each calendar month 2 weeks in advance/2 weeks in arrears. Allowances in the form of a sitting fee for presiding members of other committees will be paid per calendar quarter in arrears (i.e. as at end of March, June, September and December).

NOTE: A member of a Council who holds office for part only of the period in respect of which an allowance is payable is entitled to the proportion (pro rata) of the allowance that the period for which the member held the office bears to the total period (section 76(11) of the LG Act).

An allowance under this section is to be paid in accordance with any requirement set out in the Regulations (unless the member declines to accept payment of an allowance section 76(12) of the LG Act).

Allowances - Payments When Acting in a Higher Office

Where a vacancy or absence occurs in a position of Mayor, Deputy Mayor or Presiding Member and Council formally resolves that another Council Member is to formally act in the position until the vacancy is filled or the absence concludes then Council will pay the higher prescribed allowance to the Member for the acting period where the acting to fill the vacancy or absence is for a minimum of two (2) months.

6. MANDATORY REIMBURSEMENTS - Mandatory

6.1. Travel - Section 77(1)(a)

Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a "prescribed meeting" (section 77(1)(a) of the LG Act).

A "prescribed meeting" is defined under the Regulations to mean 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) provided the journey is 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 LG Act. For reimbursement for travel outside the Council area refer to "Prescribed and Approved Reimbursements" below.

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- An 'eligible' journey means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.
- 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) as per the Australian Taxation Office (ATO) cents per kilometre method.
- 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.
- The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

6.2. Child/Dependant Care - Section 77(1)(a)

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

To receive reimbursement for such prescribed expenses (travel and child/dependent care) each Council Member is required to complete a **Form 1** and submit it to the Chief Executive Officer. For the purposes of administrative efficiency Council Members are requested to submit these forms on a calendar quarterly basis (i.e. as at the end of March, June, September and December).

7. PRESCRIBED AND APPROVED REIMBURSEMENTS (Section 77(1)(b)) - Discretionary

There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.

Section 77(1)(b) of the LG Act provides that the Council (meaning the Council as the governing 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. This Policy sets out the types of approved expenses that may be reimbursed.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependent care expenses associated with attendance at a prescribed meeting. Section 6 of the Regulations sets out the types of discretionary additional expenses that may be reimbursed under Section 77(1)(b) of the Act with the approval of the Council. These are:

7.1. Travelling Expenses (Outside the Council Area)

Council Members will be entitled to receive reimbursement for expenses incurred when required to travel to a function or activity on Council business that the Council Member has been authorised or directed to attend on behalf of Council. 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 organisations as a Council representative – but not to attend meetings of community groups or organisations when fulfilling the role as a member of the Board of any such community group or organisation;

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- 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) as per the ATO cents per kilometre method;
- 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); and
- Travel by taxi, bus, plane or other means of public transport will be reimbursed on the basis of being expenses where they are 'actually and necessarily' 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.

7.2. Care Expenses

Council Members will be entitled to receive reimbursement for reasonable expenses actually and necessarily incurred for the care of a child of a Council Member or a dependent 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 the Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the LG Act).

The following conditions apply to discretionary care expenses:

- Care expenses will not be reimbursed if the care is provided by a person who ordinarily resides with the Member.
- Re-imbusement of discretionary care expenses pursuant to Section 77(1)(b) will be limited to the following annual values:
 - Mayor - \$4,000
 - All Other Members - \$500 (per Member)

Other Expenses

Council Member's will be entitled to receive reimbursement for reasonable expenses actually and necessarily incurred as a consequence of the Elected Member's attendance at a conference, seminar, training course or other similar activity that is directly related to the performance or discharge of the roles or duties of the Member.

Expenses will only be reimbursed for attendance at conferences, seminars, etc. that have been approved by Council or under delegation/policy. The following types of expenses will be reimbursable: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals (up to a daily maximum of \$20.00).

Note: Tax invoices, receipts or other acceptable evidence of expenditure (including ABN and GST details) that has been incurred must be provided with a claim made for all discretionary prescribed and approved reimbursements.

8. CLAIMS FOR REIMBURSEMENT

To receive reimbursement of expenses incurred in association with prescribed meetings under clause 6 each Council Member is required to complete a **Form 1** and submit it to the Chief Executive Officer.

To receive reimbursement of discretionary expenses under clause 7 each Council Member is required to complete a **Form 2** and submit it to the Chief Executive Officer.

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For the purposes of administrative efficiency Council Members are requested to submit these forms on a monthly basis for the purpose of re-imburement aligned with the monthly allowance payment and maintaining the Register of Member Allowances and Benefits.

Reimbursement of expenses will only be paid to a Council Member upon presentation of the completed form/s and adequate evidence supporting the claims made.

9. FACILITIES AND SUPPORT

Council can provide facilities and other support to Council Members to assist them to perform or discharge their official functions and duties.

The Council must specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties which must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Mayor as set out below.

Council has considered and is satisfied that the following facilities and support (including allowance, reimbursement) are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:

- Administrative support for business directly associated with prescribed meetings, other official Council functions and activities, and otherwise only as approved by Council;
- Business cards;
- Reimbursement up to a maximum of \$1,500 per term of Council for expenses associated with the Members own purchase and maintenance of a computing devices(s), accessories and software to assist members in the performance of their duties. Reimbursement will be paid upon presentation to the Chief Executive Officer of the relevant Form and tax invoice(s) or receipt;
- The device must be capable of connecting to Council's wireless local area network and Extranet;
- A mobile data plan allowance paid annually in advance in the first five (5) business days of December of \$600 for data/telecommunication mobile plan. Amounts incurred in excess of the annual allowance is the responsibility of the Member.

The provision of these facilities and support are made available to all Council Members (including the Mayor) under the LG Act on the following basis they are necessary or expedient for the Council Member to perform or discharge their official functions or duties.

In addition to the above, Council has resolved to make available to the Mayor (and to any acting Mayor appointed during the Mayor's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- A mobile phone with an included data/telecommunication mobile plan;
- Office space adjacent the Council Chamber with fixed telephone line and desktop computing device with connectivity to internet and Council's local area network for access to Council Extranet and Member/Mayoral documents;
- Access to administrative support to manage civic diary and associated arrangements; and
- A fully serviced and maintained motor vehicle to a maximum purchase price of \$40,000 (GST exclusive) and a Council approved fuel card.

Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

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- The computing devices and accessories are the sole responsibility and remain the property of the Council Member;
- Computing devices must have Council approved internet security software installed for the protection of Council documents and information. At the time of this policy update 'Trend' is the internet security software used by Council;
- Any expense incurred by the Council Member in excess of the reimbursement for computing device, accessories and allowance for data / telecommunications mobile plan is the responsibility of the Council Member;
- That all emails and documents related to Council matters or communicated in the Members capacity as an Elected Member must be captured in Council's Electronic Document Records Management System in accordance with Council Policy R180 Records Management; and
- The Mayoral vehicle shall be available for use as a pool vehicle for Council Members for extended Council related travel purposes.

Council Members when accessing Council documents and information must comply with relevant provisions of Council Policies including R180 Records Management Policy, and internal procedures including "Computer Network / Software Use" procedure, "Mobile Device Use" procedures and will sign and comply with any associated acknowledgement/agreement documentation as required from time to time.

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 LG Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Local Government Act 1999.

10. OTHER REIMBURSEMENTS/FACILITIES

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

11. FACILITIES AND SUPPORT - PRIVATE USE

Facilities or support provided to a Council Member must not be used for a purpose unrelated to the performance or discharge of official functions or duties unless:

- *the use has been approved by the Council; and*
- *the Member has agreed to reimburse the Council for any additional cost or expenses associated with that use.*

Given that any facilities and support have been provided to assist Council Members in carrying out their Council duties then only additional variable costs arising from private use must be reimbursed to the Council.

Adequate records will need to be maintained to assist in substantiating the degree of private use of Council facilities and support by Elected Members. This may not need to occur on an ongoing basis - e.g. if accurate records of usage are made for a reasonable period of time (e.g. 3 months) where such records are representative of ordinary usage and usage has not materially altered.

12. REGISTER OF ALLOWANCES AND BENEFITS

Pursuant to section 79(1) and (2) of the Local Government Act, the Chief Executive Officer must maintain a Register in which they shall ensure that a record is kept of:

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- a. The annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
- b. Any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b)); and
- c. Other benefits and allowances paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- d. To make a record of the provision of a reimbursement, allowance 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 Regulations).

Reimbursements paid under section 77(1)(a) are not required to be recorded in the Register.

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members. Accordingly, 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 quarterly.

The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the Council's office *at 10 Watson Terrace, Mount Gambier* during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

Note: For the purpose of section 79 of the Local Government Act 1999 and subclause 11(b) – above, any cost or expense incurred by Council in association with a Council Member(s) may be considered as being provision to the Council Member of a 'benefit'.

For example, Council meeting all costs associated with a Council Members attendance at the ALGA conference in Canberra is considered a "benefit" provided to the Council Member.

Accordingly, such costs and expenses are necessarily to be recorded in the Register of Allowances and Benefits for each Council Member.

13. REVIEW AND EVALUATION

Council Member allowances are determined by the Remuneration Tribunal of South Australia on a 4 yearly basis.

The correctness and effectiveness of this Policy will also be reviewed and evaluated in November 2022.

This Policy will lapse at the next Local Government general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances and benefits for their term in office (section 77(2) LG Act).

14. AVAILABILITY OF THE ELECTED MEMBER'S ALLOWANCES AND SUPPORT POLICY

This Policy will be available for inspection at Council's principal office during Council's ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

Any enquiries regarding this policy are to be directed to the Chief Executive Officer, telephone 8721 2555 or email city@mountgambier.sa.gov.au.



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File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 s76-s79 LG (Members Allowances & Benefits) Regs 2010
Reference: Strategic Plan – Beyond 2015	Goal 5, Objective 5
Related Policies:	
Related Procedures:	
Related Documents:	Remuneration Tribunal of South Australia Determination 6 of 2018

DOCUMENT DETAILS

Responsibility:	GENERAL MANAGER, COUNCIL BUSINESS SERVICES
Version:	3.0
Last revised date:	22 November 2018
Effective date:	22 November 2018
Minute reference:	Special Statutory Council Meeting 22/11/2018 - Item 13
Next review date:	December 2022
<u>Document History</u> First Adopted By Council: Previous Reviews:	25 November, 2014 21 April, 2015

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Form 1

Lodge with: Chief Executive Officer

Council Member's Reimbursement Claim Form 1

Name:

Period:

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

Reimbursement of prescribed expenses associated with attending a prescribed meeting that is 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 2010*)

1. Travel Expenses & Travel Time Payment (if applicable)

1.1 Date of Travel	1.2 Council Function or Business Attended*	1.3 Mode of Transport	1.4 Distance Travelled (km)**, if Motor Vehicle

1.5 Details of your motor vehicle (where applicable):

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

1.6 Bus and/or taxi costs (where applicable):

- Reimbursement claim: \$.....

Please attach copies of all receipts.

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

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2. Care Expenses:

2.1 Name of Child/Dependant	2.2 Date of Care	2.3 Prescribed meeting attended	2.4 Hours of Care Provided	2.5 Care Provider

- o Reimbursement claim: \$.....

Please attach copies of all receipts.

NOTE: A 'prescribed meeting' means 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.

Method of payment is Direct Debit:

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

BSB:

Account No:

Name of Account:

Bank and Branch:

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 section 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:

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

Date:

Claim processed by:

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Form 2

Lodge with: Chief Executive Officer

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

1.1 Date of Travel	1.2 Council Function or Business Attended	1.3 Mode of Transport	1.4 Distance Travelled (km), if Motor Vehicle

1.5 Details of your motor vehicle (where applicable):

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

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

- Reimbursement claim: \$.....

2. Care Expenses

2.1 Name of Child/Dependant	2.2 Date of Care	2.3 Council Function or Business Attended	2.4 Hours of Care Provided	2.5 Care Provider

- Reimbursement claim: \$.....

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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

4.1 Date	4.2 Council Function or Business Activity	4.3 Venue/Location of Function or Business Activity

- Reimbursement claim: \$.....

Please attach copies of all receipts.

Method of payment is Direct Debit:

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

BSB:

Account No:Name of Account:

Bank and Branch:

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 section 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 (Acknowledging receipt)

Date:

Claim processed by: