

Policy Section:	1. Corporate Governance
Policy Name:	Council Members' Allowances and Benefits
Classification:	Public – Statutory Policy
Adopted:	13 March 2018
Frequency of Review:	Immediately following a general election of Council
Last Review:	27 November 2018
Next Review Due:	November 2022
Responsible Officer(s):	Governance Officer Chief Executive Officer
Policy Manual File Ref:	CC10/2601
Council File Reference:	CR18/65266
Legislation Authority:	Local Government Act 1999 (the Act)
Related Policies:	Training and Development for Council Members Policy Information Technology Support for Council Members Policy
Related Procedures:	N/A

1. BACKGROUND

- 1.1 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.
- 1.2 The Town of Gawler will ensure that the payment of Council Members' allowances, the reimbursement of expenses, and the provision of facilities and support 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").

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

- 1.3 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:
- (i) participate in the deliberations and civic activities of the Council;
 - (ii) keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
 - (iii) keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.
- 1.4 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.
- 1.5 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. SCOPE & RESPONSIBILITIES

- 3.1 This Policy applies to all Council Members, who each have an obligation to abide by this Policy.
- 3.2 In addition, the Chief Executive Officer is responsible for:
- 3.2.1 implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy and any associated procedure; and
 - 3.2.2 ensuring a copy of this Policy is provided to all Council Members.

4. POLICY STATEMENT

This Policy is underpinned by the following principles:

- 4.1 Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- 4.2 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.
- 4.3 The accountability of the Council to its community for the use of public monies.

5. ALLOWANCES

- 5.1 Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.
- 5.2 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.
- 5.3 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 instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.
 - 5.3.1 Council will pay in instalments of 1 month in advance
- 5.4 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:
 - 5.4.1 principal members, is equal to four times the annual allowances for Council Members of that council;
 - 5.4.2 deputy mayor or deputy chairperson is equal to one and a quarter (1.25) times the annual allowances for Council Members of that Council;

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6. MANDATORY REQUIREMENTS – TRAVEL (SECTION 77(1)(a))

- 6.1 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).
- 6.2 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:
- 6.2.1 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.
- 6.2.2 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.
- 6.2.3 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.
- 6.2.4 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.
- 6.2.5 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.

7. MANDATORY REIMBURSEMENTS – CHILD/DEPENDENT CARE (SECTION 77(1)(a))

- 7.1 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.
- 7.2 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 or Executive Assistant. For the purposes of administrative efficiency Council Members are requested to submit these forms at least monthly.

8. PRESCRIBED AND APPROVED REIMBURSEMENTS (SECTION 77(1)(b))

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- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 Regulation 6 of the Regulations sets out the types of additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council. These are:
- 8.4.1 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;
 - 8.4.2 travelling expenses incurred by the Council 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 LG Act);
 - 8.4.3 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;
 - 8.4.4 expenses for the care of:
 - 8.4.4.1 a child of the Member; or
 - 8.4.4.2 a dependent of the Member requiring full-time careincurred 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 LG Act); and
 - 8.4.5 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 LG Act).
- 8.5 For the purposes of this Policy, and pursuant to section 77(1)(b) of the LG Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

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9. TRAVEL

9.1 Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of Council Member expenses incurred in travelling to a function or activity on Council business. The following conditions apply to these expenses:

9.1.1 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, official visits, meetings of ALGA/LGA and their Committees, 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.

9.1.2 reimbursement is restricted to the shortest or most practicable route. Where any other route is taken, reimbursement will be calculated as though the shortest or most practicable route (as determined by the Chief Executive Officer) had been taken

9.1.3 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.

9.1.4 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).

9.1.5 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 and production of the relevant receipts or other evidence of expenditure is required and subject to budget provisions.

10. CARE AND OTHER EXPENSES

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of:

10.1 Expenses 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 Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the LG Act).

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- 10.2 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 section 77(1)(a) of the LG Act). 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 can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals up to a daily maximum of \$60.00.
- 10.3 Any overnight accommodation must be agreed by the relevant Council Member and the Chief Executive Officer prior to it being booked. Accommodation must not exceed a standard considered by the relevant Council Member and the Chief Executive Officer to be reasonable and not unnecessarily expensive to the Council. Production of the relevant receipts or other evidence of expenditure is required and reimbursement is subject to budget provisions.

NOTE: Supporting receipts must be provided in order to validate claimed reimbursement, and reimbursement will be subject to budget provision.

11. FACILITIES AND SUPPORT

- 11.1 In addition to allowances and the reimbursement of expenses, the LG Act 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 (section 78).
- 11.2 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).
- 11.3 Pursuant to section 78 of the LG Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:
- 11.3.1 Personal Computer and Tablet for use at meetings and for document sharing from the Council including agendas, minutes and workshop papers
 - 11.3.2 Printer
 - 11.3.3 Official Council email address
 - 11.3.4 An allowance of \$10/month for internet access and consumables

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- 11.4 The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the LG Act on the following basis:
- 11.4.1 they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties;
 - 11.4.2 the facilities remain the Council's property regardless of whether they are used off site or not; and
 - 11.4.3 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.
- 11.5 In addition to the above, 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 additional facilities and support to assist them in performing and discharging their official functions and duties:
- 11.5.1 Office space
 - 11.5.2 Secretarial support
 - 11.5.3 Mobile phone
 - 11.5.4 Use of a Council pool vehicle when such a vehicle is available
- 11.6 In addition, although not required by the LG Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:
- 11.6.1 each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
 - 11.6.2 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;
 - 11.6.3 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).
- 11.7 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 LG Act.

12. OTHER REIMBURSEMENTS

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.

13. CLAIMS FOR REIMBURSEMENT

- 13.1 Council Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed.
- 13.2 The Council's standard reimbursement form could include a section to be completed by the Council Members detailing their activities (including attendances at seminars and conferences) performed in that month or quarter. This will provide a means by which the Council administration can cross reference what has been reimbursed to each Council Member for the purpose of recording such information in the Register of Allowances and Benefits.
- 13.3 All claims for reimbursement must be submitted to the Chief Executive Officer (or other nominated and delegated officer) on the form/s provided for this purpose on a monthly/quarterly basis for the purposes of maintaining the Register of Allowances and Benefits.
- 13.4 Reimbursement of expenses will only be paid to a Council Member upon presentation of the form/s and adequate evidence supporting the claims made.

14. OTHER BENEFITS RECEIVED

- 14.1 There is no express interpretation in the LG Act 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.
- 14.2 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 LG Act as a "benefit" provided to that Council Member.

15. REGISTER OF ALLOWANCES AND BENEFITS (TEMPLATE - APPENDIX 2)

- 15.1 Pursuant to section 79(1) and (2) of the LG Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of:
 - 15.1.1 the annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
 - 15.1.2 any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b)); and
 - 15.1.3 other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or

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- 15.1.4 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 Regulations).
- 15.2 Reimbursements paid under section 77(1)(a) of the LG Act are not required to be recorded in the Register
- 15.3 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 monthly.
- 15.4 The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the Council's office during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

16. REVIEW AND EVALUATION

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

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

This 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, reimbursements and benefits for their term in office (section 77(2) LG Act).

17. FURTHER INFORMATION

Further information about this Policy can be obtained by:-

Telephone: 8522 9211
Email: council@gawler.sa.gov.au
Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.
Letter: PO Box 130, Gawler SA 5118

18. AVAILABILITY OF POLICY

The Policy is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available on the Council website at www.gawler.sa.gov.au.

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.

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APPENDIX 1

Form 1

Lodge with: Chief Executive Officer

**Town of Gawler
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):

15.5 Model and make of motor vehicle:

15.6 Engine size:

15.7 Total number of kilometres for reimbursement claim:

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

15.8 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.

2. Care Expenses:

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

15.9 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.

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

Select preferred method of payment: Cheque

Direct Debit *

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

BSB:

Account No:

Bank and Branch:

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 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:

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

Form 2

Lodge with: Chief Executive Officer

**Town of Gawler
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

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):

15.10 Model and make of motor vehicle:

.....

15.11 Engine size:

.....

15.12 Total number of kilometres for reimbursement claim:

.....

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

15.13 Reimbursement claim: \$.....

Please attach copies of all receipts.

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

2. Care Expenses

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

15.14 Reimbursement claim: \$.....

Please attach copies of all receipts.

3. Conference, Seminar or Training Course

3.1 Date	3.2 Council Function or Business Activity	3.3 Venue/Location of Function or Business Activity

15.15 Reimbursement claim: \$.....

Please attach copies of all receipts.

COUNCIL MEMBERS' ALLOWANCES AND BENEFITS POLICY

Select preferred method of payment: Cheque

Direct Debit *

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

BSB:

Account No:

Bank and Branch:

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 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: