



COUNCIL POLICY
Elected Members

1.1.1

Title:	1.1.1 ELECTED MEMBERS ENTITLEMENTS
Adopted:	20 February 2018
Last Reviewed:	6 December 2023 (amended)
Associated Legislation:	Sections 2.25, 5.98, 5.98A, 5.99, 5.99A and 5.100A of the Local Government Act 1995. Regulations 30, 31, 32 and 34AC of the Local Government (Administration) Regulations 1996 Salaries and Allowances Act 1975
Associated Documents:	
Review Responsibility:	Chief Executive Officer
Delegation:	-

Previous Policy Number/s 1004, 1005, 1006, 1.1.1

Objective:

The Shire of Mingenew's Elected Members are required to carry out certain functions and responsibilities under the Local Government Act. In order to assist in the facilitation of their roles this policy details the entitlements that Elected Members may be provided with in order to be effective in their role.

Policy Statement:

In recognition of the complexity and demands on Elected Members in undertaking their role, the Shire of Mingenew is committed to ensuring adequate funding is included within the Annual Budget to allow for

- a) Elected Member compensation and reimbursement;
- b) The provision of appropriate facilities, equipment, material and information to support professional development; and
- c) Acknowledgement of service.

1. Payment of Fees and Allowances

1.1 Annual Meeting Attendance Fees in lieu of Council Meeting and Committee Meeting Attendance Fees:

- a) In lieu of paying the *President* meeting attendance fee for each prescribed meeting, the Shire will pay a percentage (not less than 33%) of the maximum annual attendance fee set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
- b) In lieu of paying *Councillors* a meeting attendance fee for each prescribed meeting, the Shire will pay a percentage (not less than 40%) of the maximum annual attendance fee set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
- c) Payments will be made quarterly in arrears on a pro-rata basis throughout the annual period.

1.2 Annual Local Government Allowances — President and Deputy President:



- a) The Shire will pay an Annual Local Government Allowance for the President that is a percentage (not less than 37%) of the maximum set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
- b) The Shire will pay an Annual Local Government Allowance for the Deputy President that is equivalent to 25% of the President's Allowance.
- c) Payments will be made quarterly on a pro-rata basis throughout the annual period.

1.3 Meeting fees for Independent Members

Independent members will be paid a per meeting fee based on the maximum threshold provided for in the Determination set by the Salaries and Allowances Tribunal (SAT).

1.4 Expenses to be Reimbursed

Council members may be reimbursed for the following expenses in accordance with s5.98 of the *Local Government Act 1995* and as prescribed under Regulation 31(1) of the *Local Government (Administration) Regulations 1996*, (subject to provision of a tax invoice / receipt and a signed Expenses Claim form):

- Rental charges incurred in relation to one telephone and one facsimile machine; and
- Child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which they are a member.

The extent to which a council member can be reimbursed for these expenses is outlined in s8.2 Extent of Expenses to be Reimbursed of the Determinations the Salaries and Allowances Tribunal (SAT) for Local Government Chief Executive Officers and Elected Members.

1.5 Conditions of Payment

- a) All allowances and fees shall be paid automatically into a nominated bank account unless an Elected Member has advised the Chief Executive Officer (CEO), in writing, that he/she does not want to claim any or part of those fees and allowances.
- b) If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrued from the date of the CEO receiving such a request.

1.6 Information, Communication and Technology (ICT) Equipment & Use

- a) The following equipment will be issued to Elected Members upon commencement of role:
 - (i) A mobile device with keyboard or equivalent technology and inclusive of a data SIM Card.
- b) *Conditions*
 - (i) Any damage or loss of the equipment during that time caused by negligence or improper use is the responsibility of the Elected Member to repair and fund or replace. This may include the payment of any insurance excess where applicable.
 - (ii) The equipment is strictly to be used for Shire purposes only including, researching Council related matters, Shire-approved social media, Shire related



- pictures or filming, receiving and despatching email correspondence, diary requests and Council meeting agendas.
- (iii) The CEO, if requested, may provide assistance to Elected Members with user training and support.
 - (iv) All information on Shire issued equipment is subject to Freedom of Information requests.
 - (v) All Councillor's will receive an @mingenew.wa.gov.au email address which is to be used for all Shire related correspondence.
 - (vi) All emails received and sent through the @mingenew.wa.gov.au email account are to be captured in the Shire's Record Keeping System.
 - (vii) Any costs associated with upgrades or additional requirements over and above the standard equipment being offered should be met by the Elected Member.
- c) An Elected Member who incurs an ICT expense, as defined by the SAT, is entitled to be reimbursed for that expense up to \$100.00 per claim, provided sufficient evidence is submitted. As such, the Shire will not pay an ICT Annual Allowance.
 - d) At the end of the operational life of any mobile devices issued to Elected Members or where they are being replaced with updated versions, Elected Members have the opportunity to purchase the obsolete device at market value.

2. Parental leave

Pursuant to s.2.25(5B) of the *Local Government Act 1995*, council members are entitled to parental leave when themselves, or their spouse or de facto partner, either:

- Gives birth
- Adopts a person under 16 years of age
- Becomes the guardian or foster parent of a person under 16 years of age.

A council member is entitled to 6 months of parental leave beginning on the day on which the council member, or their spouse or de facto partner gives birth, adopts or becomes a guardian or foster parent.

The Act does not allow for the period of parental leave to be deferred to a later date.

The period of parental leave can be less than 6 months if desired.

A council member does not need to apply for a leave of absence for their entitlement to take effect.

Note: While an Elected Member is on parental leave, their office on council is not to be counted when determining quorum for a meeting.

3. Attendance at Conferences and Training within Australia

- a) Council will determine, as part of the annual budgetary process, the Annual Conference and Training budget, which is to be in addition to costs associated with attendance at the annual West Australian Local Government Association (WALGA) Convention.



- a) All fees associated with a training event or conference, including travel, meals and accommodation expenses and course fees etc will be covered by the Shire, to the extent listed in clause 2.3. Supporting evidence must be provided.
- b) Travel for any prescribed meeting (as prescribed in 30(3A) of the LG Regulations) or community consultation will be reimbursed by the Shire provided sufficient evidence is submitted.

3.1 3.1 **Community and other Consultation**

- a) In order for Councillors to consult with communities in an official Shire capacity outside the Mingenew townsite, and in the case of a Council vehicle not being available (private vehicle used) the Shire will reimburse associated vehicle costs at the rate set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. Additionally, accommodation and meals will be paid by the Shire or reimbursed at cost.

3.2 **Support Activities**

- a) The Shire will pay all reasonable costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

3.3 **Extent of Expenses to be reimbursed**

- a) The Shire will reimburse all accommodation costs associated with training and conferences providing the nightly rate is fair and reasonable.
- b) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs are to be reimbursed in accordance with the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time and include, but are not limited to:
 - meals and refreshments for the Elected Member (that are not covered by the conference and Training registration costs);
 - dry-cleaning and laundry expenses; and
 - reasonable telephone, internet and facsimile charges.
- c) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people with the exception of an accompanying person as specified in 2.8 of this policy.
- d) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:
 - for the days of the Conference and Training event only; and
 - for the cost of travel to and from the event or airport to the accommodation to be used for the Conference and Training.
- e) The extent to which an Elected Member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the Regulations is set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.



- f) Costs of taxi fares, ride-share services, vehicle hire and parking, which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the Shire in accordance with Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.
- g) All reimbursements require substantiation with details of the date, activity attended, the actual costs incurred, and original receipts being provided and attached to the claim form.
- h) Should an Elected Member withdraw their registration from a conference or training course past the last cancellation date, any costs incurred by Council that cannot be recouped from event organisers or recovered through insurance shall be reimbursed to Council by that Elected Member.

3.4 Air Travel

- a) All air travel must be economy class, any upgrades to other classes must be paid by the elected member.

3.5 Elected Member/Delegate Accompanying Person

- a) Where an Elected Member is accompanied at a conference or training event, all costs incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member / accompanying person and not by the Shire.
- b) The exception to the above being the cost of attending any official conference/training event dinner where partners would normally attend as well as accommodation costs associated with a shared room with the Elected Member, where such costs are not above a room rate for the Elected Member alone.
- c) Where the Shire meets an account containing any expenditure or cost incurred on behalf of the accompanying person attending, such expenditure must be repaid to Shire by the Elected Member / accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the conference / training event.

3.6 Loyalty Rewards or Bonus Points

Consistent with the principle of not using public expenditure for private advantage, where travel and accommodation bookings or associated bookings are made and carry loyalty rewards or bonus points, they should not be personally claimed or used for private purposes. They may be used only for further official purposes.

4. Other Entitlements

4.1 Acknowledgement of Service

- a) Council will, upon retirement of Elected Members, acknowledge their service through the provision of an appropriate gift. The value of any gift provided to a retiring Elected Member is limited to the prescribed amount set out below and is in accordance with Regulation 34AC of the Local Government (Administration) Regulations 1996.
 - (i) Up to 4 years' service:
A certificate of appreciation
 - (ii) Greater than 4 years and up to and including 8 years of service:
A gift up to the value of \$200
 - (iii) Greater than 8 years and up to and including 12 years of service:



- A gift up to the value of \$300
- (iv) Greater than 12 years of service:
 - \$300 plus \$25 per year of service to the maximum value of \$1,000.
 - a) Recognition will not take the form of a cash payment.
 - b) In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality and the community which are beyond that normally associated with a Councillor's day to day duties, the Council may at its discretion grant the title of "Honorary Freeman of the municipality".