

# Council Policy

## Elected Members Allowances, Expenses and Gifts



Legislation/local law requirements	<p><i>Local Government (Administration) Regulations 1996</i>, Part 8 and regulation 31(1)(b), 34AC.</p> <p><i>Local Government Act 1995</i> sections 2.25, 5.98, 5.98A, 5.99, 5.99A, and 5.100</p> <p><i>Salaries and Allowances Act 1975</i>, Part 7B.</p> <p>Australian Taxation Office (deductions)</p>
Relevant Delegation	
Related policy procedures and documents	<p>Code of Conduct for Elected Members, Committee Members and Candidates</p> <p>Elected Members Training and Development Policy</p> <p>Electoral Caretaker Period Policy</p> <p>Elected Member and Chief Executive Officer Attendance at Events Policy</p>

## Introduction

This policy applies to Elected Members with regards to Allowances, Expenses and Gifts whilst performing their official duties of office.

## Purpose

To outline the support provided to Elected Members by the City through the payment of allowances, reimbursement of expenses and provision of equipment and stationary supplies while performing the official duties of office, in accordance with the requirements of the *Local Government Act 1995*.

## Objective

To provide a transparent and compliant framework for Elected Member allowances and expenses that supports effective performance, ensures accountability, and aligns with legislative and Salaries and Allowances Tribunal requirements.

## Scope

This policy applies to all Elected Members of the City of Kwinana during their term of office.

## Policy Provisions

### Definitions

**The Act** means the *Local Government Act 1995*.

**The City** means the City of Kwinana

**Elected Members** means individuals elected under the *Local Government Act 1995* to serve on the Council of the City, including the Mayor and Councillors, who are responsible for representing the community, making decisions on behalf of the City, and providing strategic leadership and governance.

**ICT Equipment** means the hardware and associated accessories provided for the purpose of supporting Elected Members in carrying out their Council duties. This may include, but is not limited to, devices such as tablets, laptops, docking stations, keyboards, styluses, chargers and protective cases. ICT Equipment does not include mobile phones, modems, internet dongles, or other personal communication devices unless specifically approved by the Chief Executive Officer.

### Policy

#### 1. Allowances

##### 1.1. Mayoral Allowance

Pursuant to section 5.98(5) of the *Local Government Act 1995*, the Mayor is entitled to receive the maximum annual allowance specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*.

##### 1.2. Deputy Mayoral Allowance

Pursuant to section 5.98A(1) of the *Local Government Act 1995*, the Deputy Mayor is entitled to receive the maximum annual allowance specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*.

##### 1.3. Annual Meeting Attendance Fees

Pursuant to section 5.98(1)(b) of the *Local Government Act 1995*, Elected Members are to receive the maximum annual attendance fee specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*. This annual fee is provided on the basis that each Elected Member regularly attends meetings of Council and such Committees as they are appointed, as well as carry out other responsibilities of their position.

##### 1.4. Information and Communications Technology Allowance

Pursuant to section 5.99A of the *Local Government Act 1995*, the City will pay Elected Members the maximum annual information and communications technology allowance as determined by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*, in lieu of reimbursing individual expenses.

To support their role, Elected Members are expected to maintain, at a minimum:

- (a) One (1) accessible telephone or mobile device with voicemail functionality to enable contact by the City and community; and
- (b) A reliable internet connection capable of supporting email access, virtual meeting attendance, research activities, and staying informed on relevant matters.

Elected Members are responsible for all costs associated with consumables and maintenance related to their ICT equipment and services, including (but not limited to), printer cartridges, paper, internet and phone charges, and hardware repairs or replacements.

### **1.5. Payments**

The annual attendance fees and allowances payable to Elected Members under this policy will be calculated on a pro rata basis, reflecting the period during which the individual holds office and is eligible to receive the relevant payment.

Payments will be made monthly in arrears, on the fifth day of the following month.

### **1.6. Superannuation**

Superannuation contributions for Elected Members will follow the Superannuation Guarantee (Administration) Act 1992. The City pays the same amount as if Elected Members were employees, with payments made alongside their remuneration.

Members can opt out by notifying the City in writing; if they do, no contributions are made.

Unconditional allowances are included as earnings; expense reimbursements, such as travel costs, are not.

## **2. Information and Communication Equipment**

### **2.1. ICT Equipment and Office Supplies**

The City will provide all Elected Members, for use during their term of office, with an ICT device that is appropriately equipped for the conduct of Council related business. This device will align with the standard ICT equipment used within the organization at the time of the request.

The cost of the ICT device will be deducted from the Elected Members' information and communications technology allowance over the four-year term of office.

The City does not provide additional hardware such as modems, internet dongles or mobile handsets.

Requests to purchase an ICT device must be submitted to the Chief Executive Officer. The City will procure the device directly; Elected Members will not be reimbursed for any equipment purchased independently.

If the standard equipment offered by the City does not meet an Elected Member's requirements, the Elected Member may seek the approval of the Chief Executive Officer to acquire alternative equipment. Where approval is granted, the Elected Member is responsible for ensuring the equipment is compatible with City systems, and all associated costs (including purchase and maintenance) are to be borne by the Elected Member. No reimbursement can be claimed.

Notes:

All electronic equipment that is provided by the City remains the property of the City and must be returned if it is no longer required, the Elected Member's term has ended and they are not re-elected, or the device requires replacement.

Elected Members are encouraged to use their electronic devices, rather than printed documents, for attending meetings and undertaking Council business.

At the conclusion of an Elected Member's term, devices and associated equipment provided by the City may be offered for purchase at their depreciated value subject to approval by the Chief Executive Officer. No City owned property may be disposed of without prior authorisation.

Equipment leased by the City (such as laptops) cannot be offered for purchase by Elected Members.

## **2.2. Maintenance of Equipment**

Throughout an Elected Member's term of office, the City will provide and cover the cost of ongoing maintenance for any ICT equipment it supplies. The City is not responsible for maintaining or repairing any equipment that has been purchased directly by an Elected Member.

Elected Members are responsible for safeguarding all City-issued ICT equipment, which may contain sensitive or confidential information. This includes physically securing the equipment, preventing unauthorised access or use, regularly installing required security updates, and ensuring the device is made available to City personnel for maintenance or updates when requested.

In the event of a malfunction, the Elected Member must contact, during business hours, the Council Governance and Administration Officer (for Councillors) or the Executive Assistant to the Chief Executive Officer and Mayor (for the Mayor). These officers will coordinate the appropriate technical support or maintenance.

Under no circumstances should Elected Members undertake repairs or maintenance to City equipment without the express permission of the Chief Executive Officer.

## **3. Reimbursable Expenses**

### **3.1. Travelling Expenses**

#### **3.1.1. Private Vehicles**

Pursuant to section 5.98(2)(a) and (3) of the *Local Government Act 1995* Elected Members are entitled to be reimbursed for travel expenses incurred while using a privately owned or leased vehicle (not a commercially hired vehicle) in the performance of the official duties of their office, subject to the following:

Reimbursement applies to travel from an Elected Member's usual place of residence or work to and from the following activities:

- (a) Council meetings, civic functions, citizenship ceremonies or briefings called by either Council, the Mayor and/or the Chief Executive Officer;
- (b) Committee meetings to which the Elected Member is appointed a delegate or in the circumstance an Elected Member deputising for the delegate who is unable to attend, by Council;
- (c) Meetings, training sessions, and functions scheduled by the Chief Executive Officer or Directors;
- (d) Conferences, community organisations, industry groups and local government associations where the Elected Member has been formally appointed as Council's representative or deputy;
- (e) Functions or presentations attended in the role as an Elected Member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance;
- (f) Gatherings or events (i.e. funerals, local business, or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor's nominated deputy as a representative of the City;
- (g) Any other occasion in the performance of an act under the express authority of

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- (h) Site inspections in connection with matters listed on any Council agenda (members to state the item number listed on any Council agenda along with the date and time of the visit on the claim form).
- (i) Meetings with ratepayers or electors, excluding those related to the biennial election period (including the time, purpose of the visit, and name/address of the ratepayer/elector on the claim form).

In line with regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996*, reimbursement is based on the following criteria:

- (a) if the Elected Members resides or works within the City of Kwinana or an adjoining local government district, reimbursement applies to the actual travel cost from their place of residence or work to the meeting or event and return; or
- (b) if the Elected Member does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back —
  - i. for the person to travel from the person's place of residence or work to the meeting and back; or
  - ii. if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

All claims for reimbursement must be submitted monthly, using the approved claim form to the Council Governance Officer (for Councillors) or the Executive Assistant to the Chief Executive Officer and Mayor (for the Mayor). Claims must include:

- (a) Date and purpose of travel;
- (b) Details of the activity attended;
- (c) Distance travelled (in kilometres);
- (d) Vehicle engine displacement; and
- (e) A signed declaration certifying the accuracy of the information.

Supporting documentation (e.g. invitations, approvals, or agendas) should accompany the claim where applicable.

Travel costs are to be calculated using the Australian Taxation Office's cents-per-kilometre method applicable to the relevant financial year.

### **3.1.2. Public Transport**

In the event that an Elected Member does not have access to a private vehicle, for eligible, travel or has a preference for public transport, the Elected Member may elect to travel by way of bus or rail public transport system. Expenses incurred will be reimbursed upon submission of a completed travel claim form accompanied by valid receipts.

Use of a taxi service, including rideshare options such as Uber or similar providers, is also permitted where deemed necessary. Reimbursement for such services is subject to the same documentation requirements.

### **3.1.3. Parking Fees**

Parking fees incurred as a result of travel undertaken in the performance of official duties are reimbursable upon submission of a completed travel claim form and valid receipts. The cost of valet parking is not reimbursable unless expressly approved by the Chief Executive Officer.



## **4. Childcare Costs**

### **4.1. Attending Council Meeting or Meeting of a Committee**

Elected Members are to receive reimbursement of the lesser of the actual cost incurred or the maximum amount allowed under the *Salaries and Allowances Act 1975* for care of children, of which they are a parent or legal guardian, whilst attending a Council meeting or a meeting of a Committee of which they are a member.

### **4.2. Attending Other Meetings While Representing Council**

Elected Members are to receive reimbursement of the lesser of the actual cost incurred or the maximum amount allowed under the *Salaries and Allowances Act 1975* for care of children, of which they are a parent or legal guardian, whilst they are representing Council and attending meetings other than a Council meeting or a meeting of a Committee.

## **5. Other Support/Supplies/Gifts from the Local Government**

### **5.1. Supplies**

The City will provide the following items for use by Elected Members solely in the fulfilment of their official duties:

#### **(a) Business Cards**

Elected Members will be issued with 500 colour printed business cards for use on City-related business within each term of office..

The business card design will include the Elected Member's photograph, name, official titles, and contact information.

Note: Business cards are to be used strictly for official Council business and must not be used for election purposes.

#### **(b) Name Badges**

- i. A formal Elected Member name badge;
- ii. An informal plastic name badge.

Note: The City will replace, within reason, any name badge that is lost or irreparably damaged upon request.

### **5.2. Insurance**

The City will maintain insurance coverage for the benefit of Elected Members as follows:

#### **(a) Personal Accident Insurance**

Coverage for accidental death or injury sustained while performing official duties. Key benefits include, but are not limited to:

- i. Lump sum payments for permanent disablement;
- ii. Weekly injury benefits for temporary disablement resulting in loss of regular income;
- iii. Non-Medicare medical expenses;
- iv. Out-of-pocket expenses.

#### **(b) Corporate Travel Insurance**

Coverage for accidental injury or illness while undertaking travel for official purposes, including incidental travel. Key benefits include, but are not limited to:

- i. Lump sum payments for permanent disablement;

- ii. Weekly injury benefits for temporary disablement resulting in loss of regular income;
- iii. Medical expenses;
- iv. Trip cancellation and loss of luggage;

This coverage extends to accompanying spouses and dependent children.

(c) **Elected Members Liability Insurance**

Coverage for third-party claims alleging a wrongful act committed while performing official duties. This insurance includes legal representation costs and damages awarded against the Elected Member. It does not cover dishonest or fraudulent acts.

(d) **Public Liability Insurance**

Coverage for third-party claims of negligence arising from the performance of official duties that result in personal injury or property damage.

### **5.3. Medical Expenses**

Elected Members may be reimbursed for medical expenses incurred while performing the official duties of their office, where such expenses are not covered by their private health insurance. Reimbursement is subject to the submission of relevant receipts and medical documentation to the Chief Executive Officer.

Reimbursement is limited to a maximum of \$500, unless prior approval is granted by Council.

Eligible expenses may include, but are not limited to:

- (a) Damage or loss of spectacles (including prescription glasses and sunglasses);
- (b) Flu vaccinations;
- (c) Other medical aids or health-related expenses reasonably incurred during the performance of official duties.

### **5.4. Gifts from the Local Government**

In accordance with section 5.100A of the *Local Government Act 1995* and regulation 34AC *Local Government (Administration) Regulations 1996*, gifts may only be provided to Elected Members upon their retirement, provided they have completed at least one full four (4) year term of office.

Upon retirement, in recognition of the Elected Member's service, the City may present the following:

- (a) A framed photograph (with the retiring Elected Member invited to indicate their preferred image) and the Elected members Council Chamber name plaque;
- (b) A gift up to the value of \$100 per year of service, capped at a maximum of \$1,000.

### **5.5. Accompanying Person on Official City Business**

When an Elected Member attends an event in an official capacity representing the City, such as receiving an award on behalf of the City or attending stakeholder annual dinners, the City may cover the cost of one accompanying person. This is subject to prior approval by the Chief Executive Officer.



## 5.6. Parental Leave

Pursuant to section 2.25(5B) of the *Local Government Act 1995*, Elected Members are entitled to parental leave if they, or their spouse or de facto partner:

- (a) gives birth; or
- (b) adopt, become a guardian of, or foster a child under the age of 16, whether alone or with another person, whether in Western Australia or elsewhere.

An Elected Member is entitled to a period of up to six (6) months of parental leave, commencing on the day of the birth, adoption, guardianship, or commencement of foster care. This period cannot be deferred but may be shortened at the discretion of the Elected Member.

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

## OFFICER USE ONLY

Officers may amend this section without council approval

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