

Council Policy

Elected Members Allowances, Expenses and Gifts



Council Policy

Legislation/local law requirements	<p><i>Local Government (Administration) Regulations 1996, Part 8</i></p> <p><i>Local Government Act 1995 Sections 2.7, 2.8, 2.10, 2.25, 5.98, 5.98A, 5.99, 5.99A, and 5.100</i></p> <p><i>Salaries and Allowances Act 1975, Part 7B.</i></p> <p>Australian Taxation Office (deductions)</p>
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>Elected Members Caretaker Period Policy</p> <p>Elected Member and Chief Executive Officer Atten</p>

1. Introduction

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

2. 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*.

3. Objective

To outline the insurance policies to be held by the City for the benefit of Elected Members in the performance of their duties as an Elected Member.

4. Scope

The policy applies to all Elected Members.

Policy Provisions

5. Definitions

Nil

6. Policy

6.1 Allowances:

6.1.1 Mayoral Allowance

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

6.1.2 Deputy Mayoral Allowance

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

6.1.3 Annual Meeting Attendance Fees

Pursuant to section 5.98(1)(b) of the *Local Government Act 1995*, the Mayor, and Councillors (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.

6.1.4 Information and Communications Technology Allowance

Pursuant to section 5.99A of the *Local Government Act 1995*, the City has determined that instead of reimbursing Elected Members for information and communications expenses, it will instead pay the maximum annual local government information and communications technology allowance specified by the Salaries and Allowances tribunal pursuant to the *Salaries and Allowances Act 1975*.

As a minimum, Elected Members are to provide:

- at least one telephone access point for City and community access, and/or a mobile phone, inclusive of voice message recording capacity.
- a fully functioning internet connection which allows them to access emails, attend meetings via instantaneous media, perform any necessary research and keep abreast of current and contentious issues in regard to their role as an Elected Member.

Elected Members are responsible for providing all consumables for computer equipment, printer, internet, fax, phone, and mobile usage (such as printing cartridges, paper). In addition, any repairs, maintenance to these hardware items is the responsibility of the Elected Member.

6.1.5 Payments

The amount of an Elected Members entitlement to an annual attendance fee or annual allowance specified in this policy shall be apportioned on a pro rata basis according to the portion of a year that the person holds office as an Elected Member and is eligible for the relevant annual attendance fee or annual allowance. All payments will be in arrears and paid monthly on the 5th day of the following month.

6. 2. Information and Communication Equipment

6.2.1 ICT Equipment and Office Supplies

The City is to make available to all Elected Members, for use during their term of office, a suitably equipped ICT device for the conduct of Council related business, which is in line with the ICT devices the City uses within the organisation at the date of request.

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

The City does not provide other hardware required to meet their communication needs, such as modems, internet sticks, and handsets, as outlined in section 6.1.4 of this Policy.

A request to purchase an ICT device will be submitted to the Chief Executive Officer, and the purchase must be made by the City. No reimbursement to Elected Members will be made for this hardware. All equipment is namely provided for Council business.

If the standard equipment provided by the City does not suit the Elected Member requirements, the Elected Member must seek the approval of the Chief Executive Officer first and then at their own expense, ensure the preferred equipment is compatible with City ICT systems, purchase and maintain the equipment that will best suit their requirements. No reimbursement can be claimed.

Notes:

Electronic equipment that is provided by the City remains the property of the local government and is to be returned by the Elected Member if no longer required, their term has expired and they are not re-elected, or it requires replacement.

It is expected that Elected Members are to make every effort to utilise their electronic equipment, in lieu of paper documents for attendance at meetings etc.

iPads and associated equipment provided by the City is to be offered to the Elected Member for purchase at the depreciated value of the equipment at the expiry of their term of office, or at other times as approved by the Chief Executive Officer. No City property is to be disposed of without prior approval of the Chief Executive Officer. Devices leased by the City (including laptops) are unable to be offered for purchase by Elected Members.

6.2.2 Maintenance of equipment

At all times during an Elected Member's term, the City is to provide and make provision for the ongoing maintenance of the supplied equipment referred to in clause 6.2.1 of this Policy with all maintenance costs being met by the City. The City will not provide ongoing maintenance to equipment that has been purchased by the Elected Member.

Elected Members are expected to protect and secure supplied ICT equipment as it may contain sensitive or confidential information. This includes physically securing the ICT devices and not leaving them unattended or allowing others to use the device, installing security updates, or making the device available to City maintenance personnel when requested.

In the event of a malfunction of the equipment the Elected Member is to contact, during business hours, the Council Governance Officer (Elected Members) / Executive Assistant to the Chief Executive Officer and Mayor (Mayor), whom are to coordinate the attendance of maintenance personnel.

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

6.3. Reimbursable Expenses

6.3.1 Travelling Expenses

6.3.1.1 Private Vehicles

Pursuant to section 5.98(2)(a) and (3) of the *Local Government Act 1995* Elected Members are to be reimbursed for travelling expenses incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) in the performance of the official duties of their office, subject to:

Claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- (a) Council meetings, civic functions, citizenship ceremonies or briefings called by either Council, the Mayor and/or the Chief Executive Officer.
- (b) Committees 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, and functions scheduled by the Chief Executive Officer or Directors.
- (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate or a deputy to the delegate.
- (e) Functions and 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 Council.
- (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) In response to a request to meet with a ratepayer/elector but excluding contact with any relevant to the biennial elections (members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

Elected Members are to be reimbursed travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of Council. The extent to which an Elected Member of a local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996* is –

- (a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- (b) if the person 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 kilometers, 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 being lodged with the Council Governance Officer (Elected Members)/Executive Assistant to the Chief Executive Officer and Mayor (Mayor) on the appropriate claim form, on a monthly basis. In submitting claims for reimbursement, Elected Members are to detail the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total travelled in kilometers and certify the accuracy of information. This should be accompanied by supporting documentation where applicable.

Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate adopted by the Australian Taxation Office cents per kilometer method for the applicable financial year.

6.3.1.2 Public Transport

In the event that an Elected Member does not have access to a private vehicle, for travel referred to above, or has a preference for public transport, the Elected Member may elect to travel by way of bus or rail public transport system, expenditure for which is to be reimbursed upon completion of a travel claim form and lodgment of receipts. A taxi (including Uber or similar company) service is also acceptable where this is considered necessary.

6.3.1.3 Parking Fees

Parking fees incurred as a result of travel to any occasion referred to in clause 6.3.1.1 of this policy are to be reimbursed upon lodgment of receipts accompanying the associated travel claim form. The cost of 'valet' parking is not to be reimbursed (unless authorised by the Chief Executive Officer).

6.3.2 Child care costs

6.3.2.1 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.

6.3.2.2 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.

6.4. Other support/supplies/gifts from the local government

6.4.1 Supplies

The City is to supply the following items to be used only in fulfilling the role of the office of Elected Member:

- (a) Corporate Jacket
A corporate jacket is to be supplied to each newly Elected Member following their inaugural election to office.

Note: Corporate jackets may be retained by the Elected Member at the expiry of the Elected Member's term of office.

- (b) Letterhead
Reasonable quantities of personalised Elected Member letterhead is to be supplied and replaced on request. Elected Members are not permitted to use City of Kwinana letterhead due to legal implications associated with the use of official City stationery.

- (c) Business Cards
The City is to provide each Elected Member with a quantity of 500 colour printed business cards for relevant City business use within each term of office.

The Elected Member business card format is to include photograph, name, bestowed titles and contact information.

Note: Letterheads and business cards are to be used strictly for official Council business and are not to be used for election purposes under any circumstances.

- (d) Name Badges
 - i. Formal Elected Member name badge.
 - ii. Plastic informal Elected Member name badge.

Note: The City is to within reason, replace on request any name badge which is lost or irreparably damaged.

Note: Elected Members should note that any diary used by an Elected Member to record the scheduling or occurrence of activities related to the fulfilment of the office of Elected Members is subject to the requirements of the *State Records Act 2000*.

6.4.2 Insurance

The City is to maintain insurance policies for the benefit of Elected Members as follows:

- (a) Accidental death or injury whilst engaged in the performance of official duties of their office. Key benefits of the policy include but are not limited to lump sum payment for permanent disablement, weekly injury benefit for loss of regular income for a temporary disablement, non-Medicare medical expenses and out of pocket expenses.

- (b) Corporate travel following accidental injury or illness whilst undertaking travel in the performance of the official duties of their office, including any incidental travel. Key benefits of the policy include but are not limited to lump sum payment for permanent disablement, weekly injury benefit for loss of regular income for a temporary disablement, medical expenses, cancellation and loss of luggage. Cover is extended to accompanying spouses and dependent children.
- (c) Councillors Liability for third party allegations of a wrongful act whilst engaged in the performance of the official duties of their office. Cover provides for legal representation costs and damages awarded against the Elected Member, however, does not cover dishonest or fraudulent acts
- (d) Public Liability for third party allegations of negligence whilst engaged in the performance of the official duties of their office, which has resulted in property damage or a personal injury.

6.4.3 Medical Expenses

Elected Members are to receive reimbursement of medical expenses not covered by their medical insurance fund, incurred while in the performance of the official duties of their office, upon submission of relevant receipts and medical documentation to the Chief Executive Officer and subject to such reimbursement being limited to the sum of \$500 without the prior approval of Council. This can include damage to or loss of spectacles (including prescription and sunglasses), flu vaccine, and other aids.

6.4.4 Gifts from the Local Government

In accordance with Clause 5.100A of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* clause 34AC gifts may only be given to Elected Members upon the occasion of their retirement, following the completion of at least one full four-year term of office.

On the retirement of an Elected Member and in recognition of their years of service the following will be presented.

- i. Framed photograph (which the retiring member can indicate their preference of).
- ii. Plaque
- iii. a gift up to the value of \$100 per year of service to a maximum of \$1000 (provided that at least one full four-year term of office has been served).

6.4.5 Accompanying Person on Official City Business

Where an Elected Member attends an event, for example receiving an award on behalf of the City, attending stakeholder annual dinners, in an official capacity representing the City, the payment of one accompanying person will be made, and must be approved by the Chief Executive Officer.

6.4.6 Parental Leave

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

- (a) gives birth; or
- (b) either alone or with another person and whether in the State or elsewhere — adopts, or becomes the guardian or foster parent of, a person who is under 16 years of age.

An Elected Member is entitled to 6 months of parental leave beginning on the day on which the Elected 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.

Note: While an Elected Member is on parental leave, their office on council 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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