

G 3 – Councillors' Allowances & Expenses

1. Objective

- 1.1 To provide guidance and clarity about the allowances and expenses that will be paid to Councillors in accordance with the *Local Government Act 1995, Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.
- 1.2 To enable Councillors to effectively carry out their role and functions and to ensure that they are not unduly financially disadvantaged when doing so.
- 1.3 To remove barriers, promote inclusion and ensure that the opportunity to become a Councillor is available to all electors within the local government area.

2. Scope

This policy applies to all Councillors and employees.

3. Definitions

3.1 Councillor

Councillors are members of an elected body that makes decisions on behalf of a local government through a formal meeting process.

Generally, local government Council Members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

A worker who performs work under the direction and control of their employers, works fixed hours and is paid for the work.

3.3 Worker

Any person who carries out work for a Person Conducting a Business or Undertaking (PCBU), including work as an employee, Councillor, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

4. Policy

4.1 Allowances & Expenses

(a) Meeting Attendance Allowance

Meeting attendance allowances for Councillors are required to be determined each year by Council and adopted as part of the Annual Budget. The amounts will be within the range determined each year by the Salaries and Allowances Tribunal. Any taxation liability arising from the payment of meeting allowances is the responsibility of each Councillor. Payment may be made to a Councillor's superannuation fund if requested. Meeting attendance fees are payable in regular fortnightly payments on a regular day each fortnight.

The method of payment of Councillor and President meeting fees is to be as an annual attendance fee rather than a fee per meeting basis.

All Councillors other than the Shire President will receive an Annual Meeting Attendance Fee set at 60% of the range specified by the Tribunal for Band 3 Councils. The Shire President will receive an "Annual President's Meeting Attendance Fee" set at 60% of the range specified by the Tribunal for Band 3 Councils. The figure of 60% was selected by comparing the level of payments made by other Band 3 Councils in Western Australia.

The "Annual Meeting Attendance Fee" covers attendance at all Council and Committee meetings, Concept Forums as well as any other prescribed meetings (such as meetings of WALGA Zone, Regional Road Group, Warren Blackwood Alliance of Councils, Minister directed meetings or such other meetings where a Councillor is an appointed representative of Council).

(b) President and Deputy President Allowance

President and Deputy President allowances are required to be determined each year by Council and adopted as part of the Annual Budget. The amounts will be within the range determined each year by the Salaries and Allowances Tribunal. Any taxation liability arising from the payment of meeting allowances is the responsibility of each Councillor. Payment may be made to a Councillor's superannuation fund if requested. These allowances are in addition to attendance allowance and paid in arrears as monthly instalments. The amount is set at 60% specified by the Tribunal for Band 3 Councils.

(c) Information and Communication Technology Allowance

The Information and Communication Technology (ICT) allowance is determined each year by Council and adopted as part of the annual Budget and is within the range determined by the Salaries and Allowances Tribunal. The ICT allowance covers:

- Telecommunication expenses;
- Consumable supplies;
- Non-standard software or hardware; and
- Provision of an internet connection and data plan.
- This allowance is paid in arrears as quarterly instalments.

(d) Cyber Security: ICT Equipment

For the purposes of cyber security, all Councillors, following their election, will be loaned a computer device, cover and keyboard as determined most appropriate by the Executive Director, Corporate Services. The device will remain the property of, and be insured by, the Shire. All devices will be renewed four years after their date of purchase, if required. The Shire will purchase and install antivirus software and any other program considered necessary to assist Councillors in performing their functions as a Councillor. Maintenance and support for the device will be provided by the Shire's ICT provider. All requests for assistance are to be directed to the Executive Manager, Corporate Services, in the first instance.

In the event of damage or loss, Councillors are to mitigate any further damage and notify the Shire as soon as possible. If a Councillor resigns mid-term, they must hand back the device to the Shire. Prior to retention, the device is to be provided to the Shire's ICT provider to erase, update and remove Shire related information and management systems.

If a Councillor would prefer to use their own personal computer device, it must be screened by the Shire's IT provider to ensure security.

(e) Travel Costs

Councillors attending meetings or representing the Shire at meetings or events outside of the Shire are encouraged to use a Shire vehicle. Reimbursement of travel costs is subject to the costs being adequately evidenced by providing the Director, Corporate Services, with the reason for travel, the date of the travel and an appropriate receipt. Councillors who incur travel costs while using their privately owned vehicle, pursuant to Regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996*, are entitled to be reimbursed for travel expenses incurred because of the Councillor's attendance at a Council meeting, or a meeting of a Committee of which they are a member. The extent to which a Councillor can be reimbursed for reasonable travel costs is as determined by the Salaries and Allowances Tribunal. This is particularly relevant if a Councillor resides or works outside of the Shire. In accordance with Regulation 32(1) of the *Local Government (Administration) Regulations 1996*, Council has approved the additional circumstances for when reasonable travel costs incurred may be reimbursed.

(f) Attendance

Attendance at meetings, briefings, workshops, presentations, deputations, ceremonies, functions, training, on-site inspections in connection with Councillors duties or as an authorised Council representative.

Travel costs incurred are to be calculated in accordance with the Salaries and Allowances Tribunal determination. For the purposes of this policy travel costs include parking fees (not parking fines).

Note that if a Councillor is gifted with an item (including tickets), the Conflict-of-Interest Policy must be complied with, and the gifts registered on the Gifts Register.

(g) Accommodation & Meals

Occasionally Councillors may attend meetings, training or conferences outside the Shire and, depending on the distance and time of day, may require overnight accommodation and meals. Accommodation must be pre-approved by the Chief Executive Officer and booked through the Executive Support Officer. Reasonably priced meals may be purchased in advance and reimbursed or purchased at the accommodation venue (e.g. hotel). Receipts must be retained.

(h) Childcare Costs

Councillors who incur childcare costs are entitled to be reimbursed if the expense is incurred by a Councillor in performing a function under the express authority of the Council or in his or her capacity of a Councillor, pursuant to Regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996*. Reimbursement will be in accordance with the Salaries and Allowances Tribunal determination. The number of hours claimed will be limited to the actual length of the meeting, with a nominal time allowance for networking opportunities and travel to and from the place of care. Reimbursement of childcare costs will be processed upon receipt of the claim form and receipts which must include detail of the date, number of hours, rate and function/meeting attended. Childcare costs will only be paid upon evidence of out-of-pocket expenses.

(i) Insurance

Councillors will be provided with insurance cover for:

Personal Accident and Corporate Travel whilst performing their official duties. Cover does not include ordinary medical expenses.

Legal Representation Costs Indemnification for matters arising out of the performance of the official duties of their office. This does not apply if the performance or exercise of the official duty is (in the opinion of Council's legal advice) illegal, dishonest, against the interests of the Shire or otherwise in bad faith. Legal Representation Costs will not apply retrospectively. Councillors must notify the Chief Executive Officer, President or insurer immediately that they wish to access this insurance, BEFORE engaging a law firm.

Public Liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.

(j) Other Expenses

It is not expected that Councillors will incur any other expenses in the performance of their duties. If a Councillor incurs an expense that they believe should be reimbursed, the matter will be presented to Council for a determination.

5. Accountabilities and Responsibilities

5.1 Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6. Risk Management

6.1 There is no guidance or clarity with regard to the allowances and expenses that will be paid to Councillors in accordance with the *Local Government Act 1995, Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.

6.2 Councillors are not able to effectively carry out their role and functions because they are unduly financially disadvantaged when doing so.

6.3 There are barriers, exclusions and limited opportunity for electors to become Councillors within the local government area.

7. Legislation, Policy and Other Relevant Documents

Act	<i>Local Government Act 1995</i> s.2.7(2)(b) – The council is to determine the local government’s policies Part 5, Division 8 Local Government Act 1995 – Local government payments and gifts to its members
Regulation	Part 8 <i>Local Government (Administration) Regulations 1996</i> – Local government payments and gifts to members
Local Law	N/A
Policy	N/A
Procedure	N/A
Other Documents	N/A

8. Version Control

Version	Date	Author	Amendments
V1	29 January 1998	T Clynch	Original Document
V2	30 June 2022	T Clynch	Last Variation Date
V3	01 May 2024	N Gibbs	Three-year Review
Scheduled Reviewed Date	01 May 2027		