

# Local Government Payments and Gifts to Members

## Introduction

This policy is intended to ensure that any payments made to Members are compliant with legislative provisions contained in Division 8 of the *Local Government Act 1995* (the Act).

## Objective

To provide guidance in relation to local government payments to Members in accordance with The Determination, and any subsequent Determination Variations made by the Salaries and Allowances Tribunal, pursuant to Section 7B and 7BAA of the *Salaries and Allowances Act 1975*. This policy also provides guidance in relation to the management and use of laptops issued to Elected Members.

## Scope

This policy applies to Elected Members and Independent Committee Members.

## Definitions

Term	Definition
Act	<i>Local Government Act 1995</i> .
CEO	Chief Executive Officer
Committee Meeting	A meeting of a Council Committee where the committee comprises - (a) council members only; or (b) council members and independent committee members;
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Determination Variation	A variation made by the Salaries and Allowances Tribunal where they issue a determination to vary The Determination initially made; as The Determinations are made once every 12 months in accordance with the current Salaries and Allowances Act
Independent Committee Member	A person who is a committee member but who is neither a council member nor an employee (s5.100(1) of the <i>Local Government Act 1995</i> ).

Term	Definition
ITC Expenses *	(a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the <i>Local Government (Administration) Regulations</i> ; or (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the <i>Local Government (Administration) Regulations</i> .
ITC Support	Information Technology (Provider) Contractors.
Logbook	A logbook is a record kept that will provide evidence of: <ul style="list-style-type: none"> <li>• details of kilometres travelled for business and for private use;</li> <li>• odometer readings on which a member estimates fuel and oil use; and</li> <li>• a member's other car expenses (i.e. parking and fuel receipts would be kept with the logbook).</li> </ul> <p><i>Note: A signed copy of the logbook page, together with original copies of the receipts would be attached to the reimbursement form that will be submitted by members for reimbursement.</i></p>
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of a committee.
Other Expenses	Expenses that may be incurred by Members outside of this policy (e.g. dry-cleaning).
Regulations	<i>Local Government (Administration) Regulations 1996.</i>
SAT	Salaries and Allowances Tribunal.
Shire	The Shire of Toodyay.
Shire President	A mayor or president elected by the council from amongst the councillors.
The Determination	The Local Government CEO and Elected Members determination as "determined" by the Salaries and Allowances Tribunal under the <i>Salaries and Allowances Act 1975</i> section 7B. (s.5.98 of the Act).
Travel and Accommodation Expenses *	(a) travel costs, as prescribed by regulation 31(1)(b) and (c) of the <i>Local Government (Administration) Regulations</i> ; or (b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the <i>Local Government (Administration) Regulations</i> .

**Note:** Definitions marked with an \* have been derived from the Local Government Chief Executive Officers and Elected Members determination made by the Salaries and Allowances Tribunal.

## **Policy Statement**

The entitlement of an Elected Member, or Independent Committee Member to a fee, allowance or reimbursement of an expense within the limitations of The Determination; or established under the Act (or Regulations) is in accordance with this policy.

Any eligible claim against those entitlements is to be paid in accordance with the applicable financial procedures of the Shire.

### **1. Annual Attendance Fees – Elected Members**

Pursuant to s.5.99 of the Act, all Elected Members shall receive an annual fee equal to 85% of the maximum annual fee determined by the Salaries and Allowances Tribunal under section 7B of the Salaries and Allowances Act.

### **2. Meeting Attendance Allowance – Independent Committee Members**

Pursuant to s.5.100(2)(b) and (3)(b) of the Act, Independent Committee Members of the following Committees:

- Audit and Risk Committee;
- Environmental Advisory Committee; and
- Heritage Advisory Committee

shall receive a Meeting Attendance Allowance equal to 85% of the maximum prescribed meeting fee per meeting as determined by the Salaries and Allowances Tribunal under section 7BAA of the *Salaries and Allowances Act 1975*.

### **3. Annual Allowance - Shire President**

Pursuant to s.5.98A of the Act, and Part 7: Annual Allowance for a Mayor, President, Chair, Deputy Mayor, Deputy President and Deputy Chair of The Determination made by the Salaries and Allowances Tribunal, the Shire President shall receive an annual allowance equal to 85% of the maximum value of the Annual Allowance for a Band 3 local government.

### **4. Annual Allowance - Deputy President**

Pursuant to s.5.98A of the Act, and Part 7: Annual Allowance for a Mayor, President, Chair, Deputy Mayor, Deputy President and Deputy Chair of The Determination made by the Salaries and Allowances Tribunal, the Deputy Shire President shall be entitled to an annual allowance of not more than 25% of the Shire President's Annual Allowance as determined in Clause 3 of this policy.

Where the Deputy Shire President performs the functions of the Shire President for a period of no less than four months, the deputy will be entitled to receive the Shire President's Annual Allowance as determined in Clause 3 of this policy.

### **5. Reimbursement of Expenses**

Regulations prescribe the types of expenses that are to be reimbursed to Members, on presentation of sufficient evidence of the cost of expenses incurred when attending a Council Meeting or a meeting of a committee of which he or she is also a Member.

A logbook will be issued to Members for the purpose of providing evidence to the Shire for reimbursement of expenses. Costs will not be reimbursed without sufficient evidence of the cost incurred being provided.

**Prescribed expenses to be reimbursed by the Shire are as follows:**

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### **5.1 Childcare**

Members are entitled to be reimbursed for childcare costs incurred as a result of the member's attendance at a meeting of which they are a member as prescribed in regulation 31 of the *Local Government (Administration) Regulations 1996*.

The extent to which Members can be reimbursed for childcare expenses shall be as determined by the Salaries and Allowances Tribunal.

### **5.2 Reasonable Travel Costs**

Members are entitled to be reimbursed for travel costs incurred as a result of the member's attendance at a meeting of which they are a member as prescribed in regulation 31 of the *Local Government (Administration) Regulations 1996*.

The extent to which Members can be reimbursed for travel expenses shall be as determined by the Salaries and Allowances.

### **5.3 Other expenses**

If Members incur expenses outside of this policy, Council may consider, on a case-by-case basis, reimbursement of other expenses in accordance with the r.32 of the *Local Government (Administration) Regulations* in line with The Determination.

## **6. Annual Allowance in lieu of Reimbursement of Expenses**

### **6.1 ICT Allowance**

In accordance with s.5.99A of the Act, Elected Members shall receive an ICT Allowance to the value of \$1,000, paid in four quarterly instalments; in lieu of being reimbursed for expenses specified in r.31 (1)(a) of the *Local Government (Administration) Regulations 1996*.

## **7. Provision of Equipment**

Elected Members shall be issued with a laptop for the purpose of managing agendas, minutes and documentation related to their roles as Elected Members.

The laptops shall remain the property of the Shire of Toodyay until the time of disposal.

To ensure consistency of software and up-to-date technology, new laptops will be issued every 8 years, which is considered to be the maximum reliable life span.

Where a Member retires or is not re-elected within the 8-year period, the laptop will be returned to the Shire to be reissued to an incoming Member at their relevant swearing-in ceremony.

#### Disposal of Laptops

This will be in accordance with Council's Disposal of Property Policy.

### Installation of software and apps

All software and applications installed on the laptops are to be approved by the Shire's ITC Support.

### Restrictions on accessing websites

While it is expected that Members may use the laptops to conduct research, communicate with people, store relevant documentation and photographs, Members are forbidden from using their council issued laptops to access pornographic websites, download or store pirated material or store pornographic or other images for any purpose that may be illegal or otherwise reflect badly on the reputation of the Shire.

### Maintenance

All maintenance on the laptops shall be the responsibility of the Shire of Toodyay, and only be performed by its appointed ITC Support.

Members are to report maintenance and technical issues to the CEO of the Shire who will refer the matter to the Shire's designated ICT Support staff or contractors for resolution.

### Confidentiality

It is a requirement that laptops are password protected in an attempt to prevent unauthorised access. Members are not to make their laptop available to anyone else for use and shall not disclose their password to anyone.

The forwarding, sharing or allowance of viewing of any confidential material contained on the laptops or within the Council Hub or Teams Environments to anyone is not permitted.

### Records

Members must acknowledge that all information and documents contained at any time on the laptops remains the property of the Shire of Toodyay and at any time may be the subject of a Freedom of Information (FOI), or Police, Crime and Corruption Commission or other competent authority inquiry and as such may be made available to any of these investigating bodies. In addition all documents, images, sound recordings and emails are subject to the *State Records Act 2000* and as such form part of the official record of the Shire of Toodyay and therefore must be maintained in accordance with the Act.

### Security

Members are wholly responsible for the security of their Shire issued laptops and must make every effort to keep their laptops secure at all times. In the event that a laptop is misplaced, lost or stolen, the Member must advise the CEO immediately so that appropriate steps may be taken.

## **8. Gifts to Council Members**

Any Member may request Council to consider giving a gift to a Member in accordance with the Regulations.

## **Reference Information**

- [Salaries and Allowances Tribunal Determination](#)

- [Disposal of Property Policy](#) (FIN12);
- [Attendance at Events Policy](#) (GOV14);
- [Council Delegates Roles and Responsibilities Policy](#) (GOV12); and
- [Risk Management](#) (ADM18) – containing the Risk Matrix tables.

## Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)*

## Associated documents

Expense Reimbursement Form

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