

# Local Government Payments and Gifts to Members

## Introduction

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

## Objective

To provide guidance to Shire Officers and Members in relation to local government payments to its members and the management and use of laptops issued for the member's use in their role as Elected Members of the Shire of Toodyay

## Scope

This policy applies to Elected Members. It sets a benchmark that can be applied as new determinations are made by the Salaries and Allowances Tribunal, or until Council decides to make further changes. It also provides guidance in relation to the management and use of laptops issued to Members.

## Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
CEO	Chief Executive Officer
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>
ITC Expenses	(a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; 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 LG Regulations.
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> </ul>

Term	Definition
	<ul style="list-style-type: none"> <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	Means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Other Expenses	Means expenses that may be incurred by Members outside of this policy (e.g. dry-cleaning).
Regulations	Local Government (Administration) Regulations 1996.
SAT	Salaries and Allowances Tribunal.
Shire	The Shire of Toodyay.
Shire President	Means a mayor or president elected by the council from amongst the councillors.
The Determination	Means 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	<p>(a) travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or</p> <p>(b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.</p>

## Policy Statement

The entitlement of a Member to a fee, allowance or reimbursement of an expense established under the Act (or regulations) cannot be prescribed, limited or waived by Council.

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

Absolute Majority is required in respect to the adoption of this policy.

### 1. Meeting Attendance Allowance - Members

In accordance with s.5.99 of the Act, all Members shall receive an annual Meeting Attendance Allowance of approximately 85% of the maximum range of annual allowances.

## 2. Shire President's Allowance

In accordance with s.5.99 of the Act, the Shire President shall receive an additional allowance of approximately 85% of the maximum range of annual allowances.

## 3. Deputy President's Allowance

In accordance with s.5.99 of the Act, the Deputy Shire President shall receive an additional allowance of approximately 85% of the maximum range of annual allowances.

## 4. 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 evidence being provided.

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

### 4.1 Childcare

Reimbursement of the actual cost per hour or \$35 per hour, whichever is the lesser amount.

### 4.2 Travel Costs

Reimbursement of the actual cost for the Member to travel from the Member's place of residence or work to attend a Council Meeting or official function subject to the following:

- If the distance travelled is more than 100 kilometres, then the reimbursement of costs will only be for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

Travel costs incurred while driving either a privately owned, or leased vehicle (rather than a commercially hired vehicle) shall be calculated at the same rate contained in Section 30.6 of the *Local Government Officers' (Western Australia) Award 2021* as at the date of The Determination.

### 4.3 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 regulations.

## 5. Allowances in lieu of Reimbursement of Expenses

### 5.1 ICT Allowance

In accordance with s.5.99A of the Act, 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*.

## 5.2 Use of Laptops

In addition to the above ICT Allowance, 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.

Where however, at the time of replacement, a Member who is in possession of a laptop will be given the option to purchase the old laptop for their own personal purposes for the sum of \$50. Any laptops not purchased by the respective Members will then be offered for public sale in accordance with Council's Disposal of Property Policy after all Council documentation has been removed.

### Installation of software and apps

All software and applications installed on the laptops is to be approved first by making contact with the Shire's current 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 then refer the matter to the Shire's designated ICT Support staff or contractors for resolution.

### Confidentiality

It is a requirement that laptops be 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 divulge their password to anyone.

The forwarding, sharing or allowance of viewing of any confidential material contained on the laptops or within the Councillor Bigtincan Hub platform 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.

## **6. Gifts to Council Members**

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

### **Reference Information**

- [Disposal of Property Policy](#) (FIN12);
- [Attendance at Events Policy](#) (GOV14);
- [Continuing Professional Development Policy](#) (GOV9);
- [Council Delegates Roles and Responsibilities Policy](#) (GOV12); and
- [Risk Management](#) (ADM18) – containing the Risk Matrix tables.

### **Legislation**

#### *Local Government Act 1995*

- s.5.98 Fees for Council Members.
- s.5.98A. Allowance for deputy mayor or deputy president
- s.5.99. Annual fee for council members in lieu of fees for attending meetings
- s.5.99A. Allowances for council members in lieu of reimbursement of expenses
- s.5.100A. Gifts to council members

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

- r.30 Meeting attendance fees (Act s. 5.98(1) and (2A))
- r.31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

### **Associated documents**

Expense Reimbursement Form.

## Version control information

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V2	21/05/2009	Amended	CEO	Council
V3	30/08/2013	Amended	CEO	Council
V4	13/05/2010	Amended	CEO	Council
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