

Council Policy – Councillor Fees and Entitlements

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Coordinator Governance
Affected Business Units	Governance Financial Services Executive Services

Objective

In accordance with Division 8 Part 5 of the *Local Government Act 1995* (the Act), Elected Members and Independent Committee Members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. This Policy also provides for the payment of fees and expenses to Elected Members under Division 10, Part 5 for participation in mandatory training or continuing professional development in accordance with the Act.

This policy provides the approval framework under which all fees, allowances and reimbursements to Elected Members and Independent Committee Members will be made.

The policy also ensures that the Elected Members are provided with appropriate facilities, equipment and information to support them in performing their duties.

Scope

This policy applies to all persons who holds the office of Councillor or President on the Council of the Shire of Serpentine Jarrahdale (the Shire) as well as Independent Committee Members on Committees of Council.

All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* (Admin Regulations) and determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members in accordance with the *Salaries and Allowances Act 1975*.

Policy

1. Fees and Allowances

All fees and allowances to be paid to the Shire President and Elected Members are set out in this Policy. There is no form of entitlement received by way of discounted Council rates. The payment of rates is a legislative requirement for all rate payers in the Shire, as per the *Local Government Act 1995*, including the Shire President and Elected Members.

1.1 Annual Meeting Attendance Fees

In accordance with section 5.98(1)(b) of the *Local Government Act 1995*, the President and 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*.

1.2 Annual Allowance for President

In accordance with section 5.98(5) of the *Local Government Act 1995*, the President is to receive the maximum annual allowance specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*

1.3 Deputy President Allowance

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

1.4 Committee Meeting and Prescribed Meeting Attendance Fees - Independent Committee Members

In accordance with section 5.100 of the *Local Government Act 1995*, Independent Committee Member's shall receive the maximum meeting attendance fee specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1995*, for attendance at a meeting of the Committee to which they are a member.

1.5 Information and Communication Technology (ICT) - (Local Government Act 1995 Section 5.99A)

1.5.1 The annual ICT allowance for Elected Members will be \$2,500. This covers the ICT expenses incurred by Elected Members in performing a function under the express authority of the Council or in performing a function in their official capacity.

1.5.2 All Elected Members will be provided with one laptop, headset, and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum), at the commencement of their term and for the duration of their term. The Shire retains ownership of any equipment provided under this clause.

Conditions associated with the use of this equipment include:

- i. Computer equipment is to be used for Shire purposes only including, researching Council related matters, Shire approved social media, Shire related pictures or filming, receiving and despatching email correspondence, diary requests and Council meeting agendas.
- ii. All information on a Shire issued computer equipment is subject to Freedom of Information requests.
- iii. Any costs associated with upgrades or additional requirements over and above the standard computer being offered should be met by the Elected Member.
- iv. Subject to point 1.5.3, all computer equipment is to be returned to the Shire in the event of an Elected Member resigning from Council or at the expiry of their term of office.

- 1.5.3 Departing Elected Members are eligible to purchase equipment purchased on their behalf and used by them during their term of office, as follows:

Years of Service	Amount Payable
1st year of service (or part thereof)	70 per cent
2nd year of service (or part thereof)	35 per cent
3rd year of service (or part thereof)	Nil
4th year of service (or part thereof)	Nil

1.6 Conditions Relating to Payment of Fees and Allowances

All Allowances and Fees shall be paid automatically unless the Elected Member or Independent Committee Member has advised the Chief Executive Officer in writing that he/she does not want to claim any or part of those. The taxation liability arising from these payments is the individual responsibility of the Elected Member or Independent Committee Member.

All the fees and allowances described in 1.1 to 1.5 above shall be paid to Elected Members, monthly in arrears. Independent Committee Members shall be paid after each meeting.

2. Reimbursements

2.1 Childcare

- 2.1.1 Elected Members and Independent Committee Members are entitled to be reimbursed for childcare costs incurred for children of which they are a parent or legal guardian, whilst attending a Council or Committee meeting.
- 2.1.2 In accordance with Regulation 31 of the Admin Regulations, childcare costs will be paid the lesser amount of the actual childcare costs or the hourly rate prescribed by the Salaries and Allowances Tribunal in its most recent determination.
- 2.1.3 Receipts for expenses incurred from the Childcare Centre and correspondence from Centrelink showing entitlement of rebate and benefit that are claimed are to be provided for reimbursement.

2.2 Parental Leave *(Local Government Act 1995 section 2.25)*

- 2.2.1 Elected Members are entitled to parental leave when themselves, or their spouse or de facto partner, either:
- gives birth.
 - adopts a person under 16 years of age.
 - becomes the guardian or foster parent of a person under 16 years of age.
- 2.2.2 Elected Members are entitled to up 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 and cannot be deferred to a later date.

2.3 Travel

The payment of travel costs is prescribed under Regulations 31, 32 and 34 of the Admin Regulations. Travel and accommodation costs as a result of authorised travel for Shire business is provided for in Council Policy – Travel and Accommodation.

Reasonable travel costs, as determined by the Salaries and Allowances Tribunal, that are incurred and paid by Elected Members and Independent Committee Members may be eligible for reimbursement upon submission of a reimbursement claim when using a private motor vehicle for travel to, from, and attendance at:

- a) Meetings of the Council or a Committee of the Council;
- b) Any Shire convened meeting requiring the Elected Member or Independent Committee Members attendance, including briefing sessions, workshops and other forums;
- c) Meetings where the Elected Member or Independent Committee Member has been appointed by Council as its delegate or a deputy to the delegate (except where the other body pays for meeting attendance and/or travel e.g. ministerial appointment to State Advisory Boards);
- d) Attending functions where the Elected Member is representing the President or is attending by resolution of Council;
- e) A specific request or instruction of the Council;
- f) Elected Member training courses;
- g) Attendance at community functions with a formal invitation as an Elected Member or Independent Committee Member;
- h) Seminars and conferences attended in the capacity of an Elected Member.
- i) 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).

2.5 Elected Member Training Allowances - (*Local Government Act 1995* Section 5.129)

An Elected Member participating in a course of training required under section 5.126 or 5.128 of the *Local Government Act 1995*, is entitled to be reimbursed expenses under section 2.1 and 2.3 of this Policy that are incurred as a result of attending the training.

Eligibility for reimbursement will be in accordance with Regulation 37 of the Admin Regulations.

2.6 Rates of Reimbursement

In accordance with the Admin Regulations and Salaries and Allowances Tribunal Determination, travel reimbursement claims to and from Council and Committee meetings will be determined in accordance with section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011*.

2.7 Process for Reimbursement

Requests for reimbursement must be made no more than seven days after the end of the financial year to which the claim relates. Requests for reimbursement are to be emailed to the Council Support Officer with supporting evidence.

The Chief Executive Officer is authorised to make determinations regarding the acceptance of expenses claimed under this Policy.

3. Items Provided to Elected Members

3.1 Corporate Items

In order to assist Elected Members in the performance of their duties they shall be provided with:

- a) Business cards;
- b) Name badges;
- c) Elected members are entitled to obtain one of the following uniform:
 - 1 x Tie with Shire Logo, or
 - 1 x Scarf with Shire Logo

The abovementioned is applicable to Elected Members for each full term of office.

3.2 Recognition of Elected Members

Retiring Elected Members are recognised at the last Ordinary meeting of Council before the election or prior to the next available Ordinary Council Meeting.

Retiring Elected Members are presented with:

- their name badge
- their name plaque
- a certificate of service
- A gift up to the value of \$100 per year of service with a maximum value of \$1000 (provided that at least one full four-year term of office has been served). The value of any gift provided to a retiring Elected Member is limited to the prescribed amount set out in Regulation 34AC of the Admin Regulations.

3.3 Shire Office Access

The Shire shall provide to the Shire President the use of a suitable office within the Shire's Civic Centre.

Elected Members will be issued with a 24-hour access security card/token for the Civic Centre. Elected Members are not permitted to enter the administration areas without the permission of the CEO. All meetings with Shire employees should be pre-booked through the CEO or a Director's office and held in the meeting rooms in the Civic Centre.

4. Dispute Resolution

Any disputes concerning this policy shall be referred to the Chief Executive Officer in the first instance. In the event that the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be referred to the Council for a decision.

Adoption

Council may amend this policy by Absolute Majority in accordance with section 5.129 of the Act.

Definitions

Committee of Council means a committee established by Council under s 5.8 of the *Local Government Act 1995*

ICT Allowance means a subsidy towards ICT expenses such as Internet access and telephony expenses.

Independent Committee Member means a person appointed to a committee of the Council who is not an elected member or employee.

Retiring Elected Member means an Elected Member whose term has expired but have not nominated for election.

Related Documents

- Shire of Serpentine Jarrahdale's Council Plan 2023-2033
- Council Policy - Councillor and CEO Attendance at Events
- Council Policy - Councillor Training and Continuing Professional Development
- Council Policy - Travel and Accommodation

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government Officers' (Western Australia) Interim Award 2011*
- *Public Service Award 1992*
- *Salaries and Allowances Act 1975*

Amendment Record

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