

<b>DOCUMENT TYPE</b>	Policy
<b>TITLE</b>	<b>ELECTED MEMBER ALLOWANCES &amp; ENTITLEMENTS</b>
<b>NUMBER:</b>	POL-1001

## **PURPOSE**

The purpose of this policy is to establish a clear and compliant framework for the provision of allowances, entitlements and support to Elected Members of the Shire of Wyndham East Kimberley in accordance with the Local Government Act 1995 and relevant determinations of the Salaries and Allowances Tribunal.

This policy ensures that Elected Members are appropriately supported in performing their statutory functions while maintaining transparency, accountability and compliance with legislative requirements.

## **POLICY STATEMENTS**

### **1. PROVISION OF SUPPORT**

All Elected Members, following election to Council, are entitled to receive:

- a) An email address in the format of firstname.lastname@swek.wa.gov.au;
- b) Personalised business cards using the SWEK business card template;
- c) Personalised SWEK name badge; and
- d) Limited ICT support on a case by case basis with requests made directly to the CEO.

#### **1.1. Office of the Shire President**

The Shire of Wyndham East Kimberley will provide to the Shire President, at the Shire's cost, the following:

- a) use of a suitable office with printing facilities;
- b) provision of a suitable laptop (if requested), that will remain the property of the Shire and be returned upon the end of election term.

All Elected Members may utilise the Shire President's office when it's available, and have access to the printing facilities.

### **2. ATTENDANCE FEES & ANNUAL ALLOWANCES**

The allowance is payable strictly in accordance with the maximum limits set by the Salaries and Allowances Tribunal and cannot exceed those limits as amended from time to time.

#### **2.1. Annual Attendance Fees in Lieu of Council Meeting, Committee Meeting and Prescribed Meeting Attendance Fees**

The President's Annual Meeting Attendance Fee is 100% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

The Elected Members Annual Meeting Attendance Fee is 100% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

## **2.2. Annual Allowance for the President and Deputy President**

The President's Annual Allowance is 100% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

The Deputy President's Annual Allowance is 25% of the President's Allowance.

## **2.3. Superannuation Contribution Payment**

Superannuation contributions will be paid in accordance with section 5.99B of the *Local Government Act 1995* and at the legislated Superannuation Guarantee rate as amended from time to time.

## **2.4. Annual ICT Allowance**

The Elected Members will receive an Annual ICT Allowance of 100% of the maximum Salaries and Allowances Tribunal (SAT) determination.

## **2.5. Considerations**

In setting the fees, the Tribunal takes into account a range of factors including:

- the time required to prepare adequately for the meetings including consideration of agenda papers, site visits related to agenda items and consultation with council staff and community members;
- the role of the Elected Member or President including, but not limited to, representation, advocacy and oversight and determination of policy and local legislation.
- particular responsibilities associated with the types of meetings being attended;
- responsibilities of the president to preside over meetings; and
- the relative size of the local government as reflected in the Tribunal's government banding model.

The Shire of Wyndham East Kimberley is in Band 2 of the Tribunal's model.

## **2.6. Conditions Relating to Payment of Fees and Allowances**

The payment is applicable to each financial year and is payable in arrears in October, January, April and July.

Payment will be to the account nominated by the Elected Member.

Payment of the allowance is made on the basis that each Elected Member regularly attends Council meetings, Briefing Sessions and meetings as set out in section 5.98(1) and (2A) of the *Local Government Act 1995* and Regulation 30(3A) of the *Local Government (Administration) Regulations 1996*, and carries out other normal duties and responsibilities of the office of Councillor for the whole year.

Any taxation liability arising from the payment of meeting fees is the individual responsibility of each Elected Member.

### **3. REIMBURSEMENT OF EXPENSES**

As set out in section 5.98(2)(a) and (3) of the *Local Government Act 1995* and Regulation 31 of the *Local Government (Administration) Regulations 1996* the following expenses are to be reimbursed subject to a statement being certified by the Elected Member concerned that the claim is in respect to costs associated in the course of Shire business.

Claims for reimbursement must be submitted no later than 30 days after the financial year in which the expenses were incurred for:

- a) Child care costs incurred by an Elected Member as a direct result of the Member's attendance at a Council meeting or a meeting of a committee of which the Member is a member will be reimbursed in accordance with section 5.98(2)(a) and (3) of the *Local Government Act 1995*, Regulation 31 of the *Local Government (Administration) Regulations 1996*, and the current Determination of the Salaries and Allowances Tribunal as amended from time to time.

Reimbursement will be limited to the maximum amount prescribed under the applicable Determination and will only be paid upon submission of a certified claim and supporting documentation confirming the expense was incurred in the course of official Shire business.

- b) Mileage claims incurred by an Elected Member to attend a Council meeting or a meeting of a committee of which he or she is also a member. Calculated on a rate per kilometre payable at the same rate contained in Section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011*. Mileage claims will only be reimbursed where a Council vehicle is not available.
- c) The extent to which a Council Member can be reimbursed for Intrastate or Interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the *Public Services Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of the SAT determination.

In accordance with section 32(1)(c) of the *Local Government (Administration) Regulations 1996*, Elected Members may be reimbursed for the above costs for the following meetings:

- Council briefings and workshops;
- Training and conferences;
- Any meeting whereby the Elected Member has been nominated as a Council representative.

In accordance with section 5.99A(1)(b) of the *Local Government Act 1995*, Elected Members will be provided with an annual ICT allowance and will not be reimbursed for ICT expenses.

Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to office.

### **4. TRAINING & CONFERENCE/SEMINAR ATTENDANCE**

Elected Members are required to attend training that is organised specifically for them and held within the Shire.

Elected Members are encouraged to attend Western Australian Local Government Association endorsed training courses or to participate in regional based, web based or teleconference type training where possible.

Elected Members are encouraged to attend the Western Australian Local Government Annual Conference once during their term.

Elected Members who wish to attend training courses, appropriate conferences or seminars may make application to the Shire President in writing. A decision on attendance will be made jointly by the Shire President and the CEO based on need and budgeted funds being available. The CEO is to authorise all travel requests from the Shire President based on budgeted funds being available.

The Shire will make an allowance available of \$1,500 per Elected Member for professional development and leadership skills on a reimbursement basis. The total of any unexpended amount will be transferred to a reserve for the future use by Elected Members for training approved jointly by the Shire President and the CEO.

Professional development expenditure will be reported annually in accordance with statutory disclosure requirements.

#### **4.1. Bookings:**

All bookings associated with Elected Members travel will be arranged by the Shire's officer nominated by the CEO and will include:

- Registration fees
- Travel to and from the conference, study, seminar convention etc.
- Accommodation
- Meals and incidentals required.

All travel will be booked at Standard Economy rates whilst ensuring that an appropriate standard is obtained. Any upgrades requested will be at the member's expense. The cost is to be recovered by the Shire by way of invoice.

If the member elects not to stay at the relevant accommodation, then a daily allowance will be paid at the rate that would apply to the relevant accommodation in accordance with the *Public Service Award 1992*, or if the actual costs are less, then whichever is the lesser amount. Receipts will be required.

Meals outside of the accommodation will be claimable at actual costs or at the *Public Service Award 1992*, rate, whichever is the lesser amount. Receipts will be required.

#### **4.2. Partners accompanying Elected Members on civic duties.**

Partners, spouses and immediate family members may accompany Elected Members at their own cost. To assist members with bookings these can be made by the Shire on a cost recovery basis.

Any variations to travel arrangements that are at the "option" of the member will be the member's costs. Variations due to operational requirements will be met by the Shire.

### **4.3. Costs**

The following will be reimbursed or paid for approved training, conference or seminar attendance. Where a reimbursement is required, receipts must be provided.

Costs will be reimbursed or paid to allow the Elected Member to arrive at the location one day prior to the start of the training/conference/seminar and to depart the day following the close of the training/conference/seminar.

In the event that an Elected Member wishes to extend their visit for reasons not associated with approved Council business, any extended stay is to be at the cost of the Elected Member.

Claims for reimbursement must be submitted within 14 days of return:

- a) Registration fees and training costs will be paid for the Elected Member. Any fees for an accompanying person are at the cost of the Elected Member.
- b) Domestic standard economy class air travel.
- c) Actual receipted accommodation.
- d) Actual receipted taxi's (to and from the airport, venues, accommodation or other approved places associated with the approved travel).
- e) Actual receipted parking (at the airport, venues, accommodation or other approved places associated with the approved travel).
- f) Actual receipted food and drink costs (alcohol not included).
- g) Mileage costs to travel to and from the training/conference/seminar venue in accordance with the current mileage allowances as established by the *Public Service Award 1992* up to and including an amount equivalent to that which would have been expended had arrangements been made to travel by air.
- h) Hire car if deemed more cost effective by the CEO.

### **4.4. Sharing of Knowledge**

Within a reasonable time (not exceeding three months) from the conclusion of an approved conference or seminar, the Elected Member concerned shall provide a written report or presentation (including copies of conference papers) concerning the conference or seminar for the information of other Shire Elected Members and for the Shire's records.

## **5. RECOGNITION ON RETIREMENT**

The following recognition is provided to retiring Elected Members to acknowledge their contribution to Council and the community:

- a) For service less than 4 years in office - Certificate of Appreciation.
- b) For service more than 4 years in office - Certificate of Appreciation and an appropriate gift bearing the Shire of Wyndham East Kimberley logo to be chosen by the Shire President to a value not exceeding \$200.

## 6. DISPUTE RESOLUTION

Any query or dispute regarding the interpretation or application of this policy is to be referred in the first instance to the Chief Executive Officer for determination.

Where the matter relates to a statutory entitlement, including fees, allowances or superannuation contributions prescribed under the *Local Government Act 1995*, associated Regulations, or a Determination of the Salaries and Allowances Tribunal, the matter will be determined strictly in accordance with the relevant legislation and determination as amended from time to time. Council does not have authority to vary statutory entitlements beyond the limits prescribed.

Where the dispute concerns the administration or interpretation of a discretionary provision of this policy and cannot be resolved administratively, the matter may be referred to Council for determination.

In circumstances where the dispute involves the Chief Executive Officer, the matter is to be referred to Council for determination in accordance with the governance framework established under the *Local Government Act 1995*.

### DOCUMENT AND VERSION CONTROL

<b>Responsible Directorate</b>	Office of the CEO		
<b>Responsible Officer</b>	Chief Executive Officer		
<b>Statutory References</b>	<a href="#">Local Government Act 1995, Section 5.98</a> <a href="#">Local Government Act 1995, Section 5.98A</a> <a href="#">Local Government Act 1995, Section 5.99</a> <a href="#">Local Government Act 1995, Section 5.99A</a> <a href="#">Local Government Act 1995 - Section 5.99B</a> <a href="#">Local Government (Administration) Regulations, Part 8</a> <a href="#">Salaries and Allowances Act 1975</a> <a href="#">Determination for Local Government - Elected Council Members Pursuant to Section 7B of the Salaries and Allowances Act 1975</a>		
<b>Related Documents</b>	<a href="#">POL-1005 Code of Conduct for Council Members Committee Members and Candidates for Local Government Elections</a>		
<b>Amendment History (Adoption and last 3 amendments)</b>			
Version	Date Issued - Resolution Number	Item #	Description of Change
1.0	27/10/2015 - 11155	13.5.4	Council Adoption
13.0	26/03/2024 - 118999	12.4.5	Review Adopted by Council
14.0	25/03/2025 - 119171	12.4.6	Review Adopted by Council
15.0	TBA	TBA	
<b>Date of Next Review</b>		April 2028	