

Elected Member Entitlements

POL-GVN 07



Objective

The Elected Member Entitlements Policy (Policy) outlines the allowances, fees and reimbursement of expenses that may be paid to Elected Members.

This Policy is in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* (the Act), the *Local Government (Administration) Regulations 1996* (the Regulations) and determination of the Salaries and Allowances Tribunal (SAT) for Local Government Chief Executive Officers and Elected Members in accordance with the *Salaries and Allowances Act 1975*.

The Policy details other support provided by the City of Mandurah (City) to Elected Members to support the delivery of their functions, including equipment and other supplies, insurance cover provided while performing the official duties of office and gifts from the local government.

Applicability

This Policy is binding on all Elected Members.

Statement

1. Fees and Allowances

1.1. Annual meeting attendance fee

In lieu of paying Elected Members a meeting attendance fee for Council or Committee meetings, Elected Members shall be paid an annual amount for meeting attendance as determined by Council when adopting the budget, and within the prescribed range as set by the SAT.

1.2. Mayor and Deputy Mayor Allowance

The Mayor and Deputy Mayor shall be paid an annual allowance as determined by Council when adopting the budget, and within the prescribed range as set by the SAT.

1.3. Payment

- a. All payments are made in accordance with the Act, and its regulation, Council Policy, SAT and Council Resolution.
- b. Meeting attendance fees and the Mayor and Deputy Mayor allowances are to be made on a fortnightly, monthly, quarterly or six-monthly, in advance on pro-rata basis, at the discretion of the Elected Member.
- c. Payments may be made to an Elected Members' superannuation fund, as nominated, in accordance with the Australian Taxation Office requirements. Superannuation payments are to be made on a fortnightly, monthly, quarterly or six-monthly in arrears, at the discretion of the Elected Member.

1.4. Information Communication and Technology Allowance

- a. Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance, as determined by Council when adopting the budget, and within the

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prescribed range as set by SAT. The allowance covers information and communications technology costs that are a kind of expense for which Elected Members may be reimbursed.

- b. This allowance is designed to meet all Elected Member related communication costs and any other relevant telecommunication costs, including relevant hardware to use a telephone, mobile phone, and the internet and consumables for computer equipment (e.g. Internet dongle, printing cartridges, paper, storage devices).
- c. Any claims by Elected Members for expenses incurred over the maximum annual allowance for ICT expenses detailed above are to be submitted on the provided claim form.
- d. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Claims must be made by 7 July of that year (7 days after end of the financial year).
- d. ICT allowance will be made on a fortnightly, monthly, quarterly or six monthly basis in advance at the commencement of the financial year, at the discretion of the Elected Member.
- e. Where an Elected Member's term of office ceases at the local government election in a financial year, the Elected Member will be paid the ICT expenses on a pro-rata basis up until the local government election. Should the Elected Member be re-elected, the remainder of the annual allowance will be paid following the Election Day.

1.5. Conditions of payment

- a. All allowances and fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer (CEO) in writing that he/she does not wish to claim any or part of those fees and allowances.
- b. The City will not pay attendance or allowance fees prior to the start of the financial year. Payments will not extend to any period beyond the expiry date of the Elected Members' term of office.
- c. Advanced payments are to be repaid by any Elected Member who resigns or leaves office prior to the expiry of their term of office.
- d. The taxation liability arising from these payments is the individual responsibility of each Elected Member and they should seek independent financial advice.

2. Expenses to be Reimbursed

- a. Elected Members will be reimbursed child care and/or travel expenses necessarily incurred while performing their duties so that no Elected Member should be unreasonably financially disadvantaged due to meeting the requirements of their office.
- b. The extent to which an Elected Member can be reimbursed for child care and travel expenses is set out under regulation 31 of the Regulations.

2.1. Child Care expenses

- a. Child care expenses incurred by Elected Members as a result of attending;
 - (i) Council meetings;
 - (ii) Committee meetings at which they are a member;

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- (iii) training required by s5.126 of the Act;
- (iv) Briefings/Workshops/Seminars/Forums convened by the Mayor or CEO;
- (v) Meetings where the Elected Member has been appointed by Council as a representative (or deputy); or
- (vi) Electors' meetings.

will be reimbursed in accordance with the rate set by SAT as the maximum amount or the actual cost, whichever is the lesser.

- b. Child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.
- c. A claim for child care must be accompanied by a statement detailing child care providers name and address along with the relevant dates, times, hourly rate and relevant meeting type.

2.2. Travel expenses

2.2.1. Travel expenses relating to attendance at a Council meeting or meeting of a Committee of Council.

- a. Elected Members who incur travel costs while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) because of the Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is also a member are to be reimbursed at the same rate contained in section 30.6 of the *Local Government Officers' (Western Australia) Award 2021*.
- b. As the City of Mandurah is a regional local government, the Elected Member will be reimbursed reasonable travel costs from the Elected Members place of residence or work to the meeting and back.

2.2.2. Travel expenses relating to performance of function in the capacity of an Elected Member

- a. Elected Members who incur travel costs, while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) because the Elected Member is performing a local government function, are to be reimbursed at the same rate contained in Schedule F of the *Public Service Award 1992*.
- b. Eligible claims for such functions include:
 - i. Citizenship Ceremonies and civic functions.
 - ii. Meetings where an Elected Member has been appointed by Council as its delegate or a deputy to the delegate (except where the other body pays the Elected Member for meeting attendance and/or travel).
 - iii. Any City convened meeting requiring Elected Member attendance, including briefing sessions, workshops, and other forums.
 - iv. Functions where the Elected Member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity.

Note: attendance at functions as a matter of personal choice and not representing Council in an official capacity does not give rise to a claim for reimbursement of expenses incurred as a result of attending.

Note: please refer to GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy

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- v. Training courses, seminars and conferences attended in the capacity of an Elected Member.
- vi. Meetings in connection with matters relating to local government, including site inspections or meetings with electors/ratepayers.
- vii. Any other occasion in the performance of an act.

2.2.3. Reimbursement of Actual Expenses Incurred

- a. Where an Elected Member deems to consider it more appropriate to not utilise their own private vehicle to attend a Council related commitment (mentioned above in 2.2.1 and 2.2.2), a taxi/ride hailing company or public transport may be used and the actual cost incurred will be reimbursed.

2.3. Claiming expenses

- a. Elected Members are advised that care needs to be taken in making applications for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an Elected Member.
- b. Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts. A claim for reimbursement for travel expenses must include the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total kilometres travelled.
- c. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form, on a monthly basis. Final claims relating to the financial year must be submitted within 7 days after the end of the financial year. No back payment of claims relating to prior financial years will be permitted.
- d. Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to office.

3. Mayor Vehicle

- a. In accordance with the Act and regulation 34AD of the Regulations, the Mayor may be provided with a fully maintained local government motor vehicle for the purpose of carrying out the functions of the Mayoral office.
- b. The value of the vehicle will be determined by Council when adopting the budget. The replacement of the Mayor's vehicle will occur once every four years, after the Mayoral Election and in consultation with the newly elected Mayor.
- c. The vehicle use by the Mayor will be in accordance with the terms and conditions of the City's standard private use of motor vehicle responsibilities. The vehicle may be used for personal use by the Mayor subject to reimbursement to the City for the extent of private use and completion of a written agreement with the City detailing the terms and conditions.
- d. Where the Mayor is provided with a vehicle as detailed in 3.a. above, the costs associated with the Mayor's private use of the vehicle is to be reimbursed by the Mayor on an annual basis, using the travel rate contained in Schedule F of the *Public Service Award 1992* and multiplying the private kilometres travelled from the log book information supplied (annualising the private kilometres travelled for the three months). It is expected that the Mayor utilise the log book in the first three months of being elected. The log book should be completed in accordance with

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the requirements of the Australian Taxation Office. The private kilometres will be annualised and used for the four-year term of office. The Mayor can provide to the City a revised log book, if the private rate from the current log book does not reflect the private usage kilometres being travelled, at any time, during the term of office. Reimbursement by the Mayor can be offset against any remuneration that is due to the Mayor for holding office.

- e. Where the Mayor has exercised the option of using a motor vehicle provided by the City, no further reimbursements for travel costs will be made where such travel can practicably be undertaken in that vehicle.

4. Equipment

4.1. Issue and return of electronic equipment

- a. The City is to provide Elected Members with a suitably equipped device for use during their term of office.
- b. The electronic equipment is to be used for Council related business only and the Elected Member is responsible for the safeguarding and protection of the device from misuse.
- c. The electronic equipment will be issued in accordance with the City's supply arrangement in place at the time of the request, with all costs being met by the City.
- d. Consumables for the electronic equipment i.e. sim card or internet access, forms part of the ICT allowance as described in 1.4 of this Policy and are not separately provided or reimbursed.
- e. All electronic equipment, access cards and parking passes issued to Elected Members must be returned 48 hours after the conclusion of the Elected Members term of office.

4.2. Maintenance and replacement of electronic equipment

- a. The City is responsible for the ongoing maintenance of the electronic equipment with all costs being met by the City.
- b. The replacement of the electronic equipment will be in accordance with the City's standard replacement program, which will be every three years, unless determined by the CEO that replacement is required earlier due to performance of electronic equipment.

4.3. Other equipment

- a. Elected Members will be supplied with the following:
 - i. Parking permit for Council related business within specified areas; and
 - ii. Building security access card.

5. Other supplies

5.1. Clothing

- a. The City will reimburse Elected Members for expenses relating to suitable professional attire including clothing and footwear, to a maximum cost to the City of \$500.00 per annum per Councillor and \$1,000 for the Mayor per annum. All claims relating to a financial year must be submitted by 7 July (7 days after the end of the financial year) to be eligible for reimbursement.

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- b. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form in accordance with clause 2.3 of this Policy.

5.2. Home office furniture

- a. The City will reimburse Elected Members for expenses relating to home office furniture including a printer and furniture, to a maximum cost of \$500.00 per Elected Member for each term of office, for relevant Council use.
- b. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form in accordance with clause 2.3 of this Policy.

5.3. Miscellaneous

The City will provide the following to all Elected Members:

- Name Badge;
- Upon request, a briefcase or satchel for Council business use, for each term of office;
- 200 printed business cards per annum, in accordance with the City's style guide, for relevant Council business use.

5.4 Recreation Centre Membership

Elected Members are entitled to a 20% discount in accordance with City's MARC Corporate Rates on their individual membership at the City's recreation centres. The discount applies to 3, 6, 12 month and direct debit memberships only.

6. Insurance

- a. The City will hold policies to cover Elected Members for the following:
 - i. Councillor's liability to cover defence costs incurred due to alleged wrongful acts committed whilst acting in official capacity as an Elected Member and they have not acted illegally, dishonestly or in bad faith.
 - ii. Liability protection for third party property damage and/or personal injury caused as a result of the negligent acts of an Elected Member's actions whilst performing official duties.
 - iii. Personal injury insurance is provided in the event of personal injury whilst on Council duties, including direct travel to and from such duties.
 - iv. Motor vehicle coverage for use of private vehicle, when performing official duties.
 - v. Personal property cover is provided for accidental loss or damage to personal property owned whilst an Elected Member is performing official duties.
 - vi. Corporate travel cover for Council related business trips, including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects.
- b. Elected Members must determine whether the benefits and endorsements of the above cover is adequate. Elected Members may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

7. Gifts from the Local Government

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- a. In accordance with section 5.100A of the Act and regulation 34AC of the Regulations, gifts may only be given to Elected Members upon the occasion of their retirement or departure, following the completion of at least one full four-year term of office.
- b. On the retirement, or departure, of an Elected Member and in recognition of their years of service the Elected Member will be offered the opportunity of a farewell morning/afternoon tea (as approved by the Mayor and CEO jointly) with Council and the Executive Leadership Team, and will be presented with:
 - i. Appropriate gift, from a local retailer or artist, up to the value of \$100 per year of continuous service to a maximum of \$1000; and
 - ii. Framed certificate celebrating the Elected Members time in office.

8. Parental Leave

- a. Section 2.25 of the Act entitles Elected Members to a period of 6 months parental leave beginning on the day on which the Elected Member themselves, or their spouse or de facto partner, either:
 - i. Gives birth;
 - ii. Adopts a person under 16 years of age; or
 - iii. Becomes the guardian or foster parent of a person under 16 years of age.
- b. The Act does not allow for the period of parental leave to be deferred to a later date.
- c. The period of parental leave can be less than 6 months if desired.

9. Superannuation

- a. Section 5.99B of the Act entitles Elected Members to superannuation contributions to their nominated fund at the same time their sitting fees and/or Mayor/Deputy Mayor allowance are paid.
- b. Contributions will be calculated at the rate prescribed under the *Superannuation Guarantee (Administration) Act 1992* and will apply to eligible fees and allowances.
- c. In accordance with section 5.99C of the Act Elected Members may choose to opt out of receiving superannuation payments.

Legislative Context

Local Government Act 1995: sections 5.98, 5.98A, 5.99 and 5.99A, 5.100A, 5.101A

Local Government (Administration) Regulations 1996: regulations 31, 32, , 34AC, 34AD and 34AE.

Salaries and Allowances Act 1975: section 7B

Local Government Officers' (WA) Award 2021: section 30.6

Public Service Award 1992 Schedule F

Related Documents

Elected Member Expenses Claim Form
Schedule of Expenses and Allowances

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Responsible Directorate: Business Services

Responsible Department: Governance Services

Reviewer: Director Business Services

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Amendments			
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2	Minute G.39/6/08	18/06/2008	25/05/2010
3	Minute G.26/5/10	26/05/2010	28/02/2012
4	Minute G.57/2/12	29/02/2012	15/07/2013
5	Minute SP.5/7/13	16/07/2013	24/02/2015
6	Minute G.35/2/15	25/02/2015	02/08/2016
7	Minute SP.2/8/16	03/08/2016	17/12/2019
8	Minute G.38/12/19	18/12/2019	26/05/2020
9	Minute G.17/5/20	27/05/2020	23/03/2021
10	Minute G.16/3/21	24/03/2021	25/01/2022
11	Minute G.12/1/22	25/01/2022	13/12/2023
12	Minute G.10/12/23	13/12/2023	25/02/2026
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