

SOUTH AUSTRALIA

**LOCAL GOVERNMENT (MEMBERS ALLOWANCES AND BENEFITS)
REGULATIONS 1999**

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REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1999

LOCAL GOVERNMENT (MEMBERS ALLOWANCES AND BENEFITS) REGULATIONS 1999

being

No. 245 of 1999: *Gaz.* 25 November 1999, p. 2900¹

¹ Came into operation on 1 January 2000: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 23 of 2003 have not come into operation.

Citation

1. These regulations may be cited as the *Local Government (Members Allowances and Benefits) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day on which Part 5 of Chapter 5 of the *Local Government Act 1999* comes into operation¹.

¹ Note: Pursuant to section 17 of the *Local Government (Implementation) Act 1999*, these regulations may have effect with respect to any increase in allowances back-dated to 1 July 1999 pursuant to that section.

Interpretation

3. In these regulations—

"Act" means the *Local Government Act 1999*;

"eligible journey" means a journey between the principal place of residence, or a place of work, of a member of a council, and the place of a meeting of the council or a committee of the council (in either direction).

Allowances—s. 76

4. (1) Pursuant to section 76(8) of the Act, the following amounts are prescribed:

(a) in respect of a member of a council, other than a deputy mayor or deputy chairperson (if any), a member who is the presiding member of one or more standing committees established by a council, or the principal member of a council—

(i) a minimum annual amount of \$1 500 (the "minimum base amount"); and

(ii) a maximum annual amount of \$6 000 (the "maximum base amount");

(b) in respect of a deputy mayor or deputy chairperson or a member who is the presiding member of one or more standing committees established by a council—

(i) a minimum annual amount equal to 1.25 times the minimum base amount; and

(ii) a maximum annual amount equal to 1.25 times the maximum base amount;

(c) in respect of the principal member of a council—

(i) a minimum annual amount equal to 4 times the minimum base amount; and

(ii) a maximum annual amount equal to 4 times the maximum base amount.

(2) An allowance under section 76 of the Act may be paid by a council on a quarterly basis in advance.

Reimbursement of expenses—s. 77(1)(a)

5. (1) Subject to this regulation, for the purposes of section 77(1)(a) of the Act, the kinds of expenses for which a member of a council will be reimbursed are as follows:

- (a) travelling expenses actually and necessarily incurred by the member in travelling to or from a meeting of the council or a committee of the council if—
 - (i) the journey is an eligible journey; and
 - (ii) the journey is by the shortest or most practicable route; and
- (b) expenses for the care of—
 - (i) a child of the member; or
 - (ii) a dependant of the member requiring full-time care,

actually and necessarily incurred by the member as a consequence of the member's attendance at a meeting of the council or a committee of the council.

(2) However—

- (a) in relation to the operation of subregulation (1)(a)—
 - (i) if an eligible journey relates to travel between a place within the area of a council and a place outside the area of a council (in either direction), the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council; and
 - (ii) the rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 82KX(1)(a) of the *Income Tax Assessment Act 1936* of the Commonwealth; and
- (b) in relation to the operation of subregulation (1)(b)—a member of a council is not entitled to be reimbursed if the care is provided by a relative of the member who ordinarily resides with the member.

(3) A council may aggregate claims for reimbursement of expenses under subregulation (1)(a) that relate to journeys that do not exceed 20 kilometres and then pay them on a quarterly basis.

Expenses requiring council approval—s. 77(1)(b)

6. For the purposes of section 77(1)(b) of the Act, the following kinds of expenses for which a member of a council may be reimbursed are prescribed:

- (a) expenses incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;
- (b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council;

- (c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;
- (d) expenses for the care of—
 - (i) a child of the member; or
 - (ii) a dependant of the member requiring full-time care,incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council;
- (e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council.

Register of allowances and benefits

7. Pursuant to subsections (1) and (2) of section 79 of the Act, it will be a principle under those subsections that the chief executive officer will only be required—

- (a) to enter details of any expenses reimbursed under section 77(1)(b) of the Act (in the case of section 79(1)(b)), or of other benefits paid or provided (in the case of section 79(1)(c)); or
- (b) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),

on a quarterly basis¹.

¹ Note: Reimbursements under section 77(1)(a) of the Act are not required to be recorded in the Register of Allowances