

SOUTH AUSTRALIA

**CITY OF ADELAIDE (MEMBERS ALLOWANCES AND BENEFITS)
REGULATIONS 1998**

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APPENDIX LEGISLATIVE HISTORY

REGULATIONS UNDER THE CITY OF ADELAIDE ACT 1998

*City of Adelaide (Members Allowances and Benefits)
Regulations 1998*

being

No. 209 of 1998: *Gaz.* 3 December 1998, p. 1800¹

as varied by

No. 255 of 1999: *Gaz.* 9 December 1999, p. 3277²

¹ Came into operation 14 December 1998: reg. 2.

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

N.B. The amendments effected to these regulations by Regulation No. 246 of 2000 had not come into operation at the date of, and have not been included in, this consolidation.

Citation

1. These regulations may be cited as the *City of Adelaide (Members Allowances and Benefits) Regulations 1998*.

Commencement

2. These regulations will come into operation on 14 December 1998.

Interpretation

3. In these regulations—

"**Act**" means the *City of Adelaide Act 1998*;

"**relative**" of a member means—

- (a) a spouse;
- (b) a parent or remoter lineal ancestor;
- (c) a son, daughter or remoter descendant;
- (d) a brother or sister;

"**spouse**" includes a *de facto* spouse.

Allowances

4. (1) For the purposes of section 24 of the Act, the following amounts are prescribed for the purposes of fixing annual allowances:

- (a) in respect of a council member, other than a Deputy Lord Mayor (if any) or the Lord Mayor—
 - (i) a minimum annual amount of \$9 000 (the "minimum base amount"); and
 - (ii) a maximum annual amount of \$12 000 (the "maximum base amount");
- (b) in respect of a Deputy Lord Mayor—
 - (i) a minimum annual amount equal to the minimum base amount; and
 - (ii) a maximum annual amount equal to 1.5 times the maximum base amount;
- (c) in respect of the Lord Mayor—
 - (i) a minimum annual amount equal to 7 times the minimum base amount; and
 - (ii) a maximum annual amount equal to 7 times the maximum base amount.

(2) Allowances under section 24 of the Act are to be paid as follows:

- (a) an annual allowance payable to the Lord Mayor may be paid in monthly instalments in advance for each month in respect of which the allowance is payable;

3.

- (b) other allowances will be paid, in accordance with a determination of the Council, at the end of each month, quarter, half-year or year in respect of which the allowances accrue.

Reimbursement of expenses—s. 25(1)(a)

5. (1) Subject to this regulation, for the purposes of section 25(1)(a) of the Act, the kinds of expenses for which a member of the 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
 - (iii) the journey exceeds 10 kilometres;
- (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 entitlement under that subregulation in respect of attendance at a particular meeting would, but for this subparagraph, give rise to a total entitlement exceeding 100 kilometres in respect of an eligible journey or eligible journeys, the member is only entitled to be reimbursed in respect of the first 100 kilometres of travel (in total); 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
 - (iii) claims for reimbursement of travel expenses must be submitted by a member of the Council on a quarterly basis in arrears;
- (b) in relation to the operation of subregulation (1)(b)—a member of the 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) In this regulation—

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

Expenses requiring Council approval—s. 25(1)(b)

6. For the purposes of section 25(1)(b) of the Act, the following kinds of expenses for which a member of the Council may be reimbursed are prescribed:

- (a) expenses incurred in the use of a telephone or facsimile 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) 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;
- (d) 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.

Note: Pursuant to section 132 (and schedule 5) of the *Local Government Act 1999*, a member of the public is, in relation to a policy for the reimbursement of expenses established by the Council under section 25(1)(b) of the *City of Adelaide Act 1998*, entitled—

- (a) to inspect a copy of the policy at the principal office of the Council during ordinary office hours without charge; and
- (b) to purchase a copy of the policy at the principal office of the Council during ordinary office hours for a fee fixed by the Council.

Register of allowances and benefits

7. (1) The chief executive officer of the Council must ensure that the Register of Allowances and Benefits includes—

- (a) details of any expenses reimbursed by the Council under section 25(1)(b) of the Act; and
- (b) a record of the provision of reimbursement (other than a reimbursement under section 25(1)(a) of the Act) or benefit not previously recorded in the Act¹.

¹. See also the other requirements under section 79 of the *Local Government Act 1999*.

5.

(2) The principles that apply under subsections (1) and (2) of section 79 of the *Local Government Act 1999* extend to details or records relating to expenses reimbursed under section 25(1)(b) of the Act.

6.

APPENDIX

LEGISLATIVE HISTORY

Regulation 4:	redesignated as reg. 4(1) by 255, 1999, reg. 3
Regulation 4(2):	inserted by 255, 1999, reg. 3
Regulation 5(1):	varied by 255, 1999, reg. 4
Regulation 6:	varied by 255, 1999, reg. 5
Regulation 7:	inserted by 255, 1999, reg. 6