

South Australia

City of Adelaide (Members Allowances and Benefits) Regulations 1998

under the *City of Adelaide Act 1998*

Contents

- 1 Citation
- 3 Interpretation
- 4 Allowances
- 5 Reimbursement of expenses—section 25(1)(a)
- 6 Expenses requiring Council approval—section 25(1)(b)
- 7 Register of allowances and benefits

Legislative history

1—Citation

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

3—Interpretation

In these regulations—

Act means the *City of Adelaide Act 1998*;

close personal relationship means the relationship between 2 adult persons (whether or not related by family and irrespective of their gender) who live together as a couple on a genuine domestic basis, but does not include—

- (a) the relationship between a legally married couple; or
- (b) a relationship where 1 of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind;

Note—

Two persons may live together as a couple on a genuine domestic basis whether or not a sexual relationship exists, or has ever existed, between them.

domestic partner—a person is the domestic partner of another if he or she lives with the other in a close personal relationship;

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

relative of a member means—

- (a) a spouse or domestic partner;

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

spouse—a person is the spouse of another if they are legally married.

4—Allowances

- (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 \$11 190 (the *minimum base amount*); and
 - (ii) a maximum annual amount of \$14 930 (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;
 - (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.

5—Reimbursement of expenses—section 25(1)(a)

- (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;
 - (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 the Council and a place outside the area of the 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;
 - (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) The Council may aggregate claims for reimbursement of expenses under subregulation (1)(a) and then pay them on a quarterly basis.

6—Expenses requiring Council approval—section 25(1)(b)

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, 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;
- (ba) 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;
- (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.

7—Register of allowances and benefits

- (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.
- (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.

Note—

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

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *City of Adelaide (Members Allowances and Benefits) Regulations 1998* were revoked by Sch 1 of the *City of Adelaide (Members Allowances and Benefits) Regulations 2010* on 15.11.2010.

Principal regulations and variations

Year	No	Reference	Commencement
1998	209	<i>Gazette 3.12.1998 p1800</i>	14.12.1998: r 2
1999	255	<i>Gazette 9.12.1999 p3277</i>	1.1.2000: r 2
2000	246	<i>Gazette 19.10.2000 p2761</i>	1.1.2001: r 2
2003	24	<i>Gazette 20.3.2003 p1097</i>	12.5.2003: r 2
2005	24	<i>Gazette 28.4.2005 p1077</i>	5.5.2005: r 2
2007	51	<i>Gazette 26.4.2007 p1410</i>	1.6.2007: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>5.5.2005</i>
r 3		
close personal relationship	inserted by 51/2007 r 5(1)	1.6.2007
domestic partner	inserted by 51/2007 r 5(1)	1.6.2007
eligible journey	inserted by 246/2000 r 3	1.1.2001
relative	varied by 51/2007 r 5(2)	1.6.2007
spouse	substituted by 51/2007 r 5(3)	1.6.2007
r 4		
r 4(1)	r 4 redesignated as r 4(1) by 255/1999 r 3	1.1.2000
	varied by 24/2003 r 4	12.5.2003
	varied by 24/2005 r 4	5.5.2005

**City of Adelaide (Members Allowances and Benefits) Regulations 1998—1.6.2007 to 14.11.2010—
revoked**

Legislative history

r 4(2)	inserted by 255/1999 r 3	1.1.2000
r 5		
r 5(1)	varied by 255/1999 r 4	1.1.2000
	(a)(iii) deleted by 246/2000 r 4(a)	1.1.2001
r 5(2)	varied by 246/2000 r 4(b)	1.1.2001
	(a)(iii) deleted by 246/2000 r 4(c)	1.1.2001
r 5(3)	substituted by 246/2000 r 4(d)	1.1.2001
r 6	varied by 255/1999 r 5	1.1.2000
	varied by 246/2000 r 5	1.1.2001
r 7	inserted by 255/1999 r 6	1.1.2000

Historical versions

5.5.2005