

South Australia

# Local Government (Members Allowances and Benefits) Regulations 2025

under the *Local Government Act 1999*

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## Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Allowances—section 76
- 5 Reimbursement of expenses—section 77(1)(a)
- 6 Expenses requiring council approval—section 77(1)(b)
- 7 Register of allowances and benefits

Schedule 1—Repeal of *Local Government (Members Allowances and Benefits) Regulations 2010*

Legislative history

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### 1—Short title

These regulations may be cited as the *Local Government (Members Allowances and Benefits) Regulations 2025*.

### 2—Commencement

These regulations come into operation on 1 September 2025.

### 3—Interpretation

In these regulations—

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

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

*prescribed meeting*, in relation to a member of a council, means—

- (a) a meeting of the council or council committee; or
- (b) an information or briefing session under section 90A of the Act; or
- (c) any other discussion, workshop or briefing, or a training course or similar activity, that is directly or closely related to the performance or discharge of the roles or duties of the member.

#### **4—Allowances—section 76**

For the purposes of section 76 of the Act, an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.

#### **5—Reimbursement of expenses—section 77(1)(a)**

- (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 prescribed meeting 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 prescribed meeting.
- (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 for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* 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 person 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 either a quarterly or monthly basis.

#### **6—Expenses requiring council approval—section 77(1)(b)**

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, fax 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 (other than for which the member is reimbursed under section 77(1)(a) of the Act);
- (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 (other than for which the member is reimbursed under section 77(1)(a) of the Act);
- (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 (other than for which the member is reimbursed under section 77(1)(a) of the Act).

#### **7—Register of allowances and benefits**

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 basis<sup>1</sup>.

**Note—**

- 1 Reimbursements under section 77(1)(a) of the Act are not required to be recorded in the Register of Allowances and Benefits.

### **Schedule 1—Repeal of *Local Government (Members Allowances and Benefits) Regulations 2010***

The *Local Government (Members Allowances and Benefits) Regulations 2010* are repealed.

## Legislative history

### Notes

- 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](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2025	74	<i>Gazette 31.7.2025 p2901</i>	1.9.2025: r 2