

**Disclaimer:** This marked-up version of the *City of Adelaide (Members Allowances and Benefits) Regulations 2010* is provided for reference purposes only and should be read in conjunction with the *City of Adelaide (Members Allowances and Benefits) (Local Government Review) Variation Regulations 2021* and may contain errors.

**LEGEND:**

**Red font – Amendments commence on 20 September 2021.**

South Australia

## **City of Adelaide (Members Allowances and Benefits) Regulations 2010**

under the *City of Adelaide Act 1998*

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Schedule 1—Revocation of *City of Adelaide (Members Allowances and Benefits) Regulations 1998*

Legislative history

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#### **1—Short title**

These regulations may be cited as the *City of Adelaide (Members Allowances and Benefits) Regulations 2010*.

#### **2—Commencement**

These regulations will come into operation on 15 November 2010.

#### **3—Interpretation**

In these regulations—

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

*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 meeting of the Council or a Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

#### 4—Allowances

- (1) For the purposes of section 24 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.
- ~~(2) For the purposes of section 24(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 24 of the Act (with the amount so adjusted being rounded up to the nearest dollar).~~

#### 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 following kinds of expenses are prescribed:
  - (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 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 28.25 of the *Income Tax Assessment Act 1997* 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 person 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 either a quarterly or monthly 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 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 25(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 25(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.

### **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

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- (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 Register<sup>1</sup>.
- (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*.

## **Schedule 1—Revocation of *City of Adelaide (Members Allowances and Benefits) Regulations 1998***

The *City of Adelaide (Members Allowances and Benefits) Regulations 1998* are revoked.

## 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    |
|------|-----|---------------------------------|-----------------|
| 2010 | 223 | <i>Gazette 11.11.2010 p5321</i> | 15.11.2010: r 2 |