

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

**LEGEND:**

Red font – Amendments commence on 20 September 2021.

South Australia

## **Local Government (Members Allowances and Benefits) Regulations 2010**

under the *Local Government Act 1999*

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Schedule 1—Revocation of *Local Government (Members Allowances and Benefits) Regulations 1999*

Legislative history

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#### **1—Short title**

These regulations may be cited as the *Local Government (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 *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 meeting of the council or 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—section 76

- (1) 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.

~~(2) For the purposes of section 76(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 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar).~~

#### 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 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; 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>.

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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—Revocation of *Local Government (Members Allowances and Benefits) Regulations 1999***

The *Local Government (Members Allowances and Benefits) Regulations 1999* 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	222	<i>Gazette 11.11.2010 p5318</i>	15.11.2010: r 2