



SPECIAL COMMITTEE MEETING

AGENDA

WEDNESDAY 3 MAY 2017

AT 5PM

COPACC



COLAC OTWAY SHIRE SPECIAL COMMITTEE MEETING

3 MAY 2017

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COLAC OTWAY SHIRE SPECIAL COMMITTEE MEETING

NOTICE is hereby given that the next **SPECIAL COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held in COPACC on 3 May 2017 at 5pm.

AGENDA

1. I DECLARE THIS MEETING OPEN

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

I ask that we all show respect to each other and respect for the office of an elected representative.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

The sole purpose of the Special Committee Meeting is to consider submissions on Mayoral and Councillor Allowances.

5. DECLARATIONS OF INTEREST

6. VERBAL SUBMISSIONS

The Mayor is to read out the names of the person(s) who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

SPECIAL COMMITTEE MEETING

CONSIDERATION OF SUBMISSIONS ON MAYORAL AND COUNCILLOR ALLOWANCES

SC170305-1

LOCATION / ADDRESS	Not applicable	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To hear submissions under Section 223 of the Local Government Act 1989 in relation to Council's intention to set the Mayoral and Councillor Allowances at the Ordinary Council Meeting on 24 May 2017.		

1. LOCATION PLAN / AERIAL PHOTO

Not applicable

2. EXECUTIVE SUMMARY

Council must review and determine the level of the Mayoral and Councillor Allowances within the period of 6 months after a general election or by the next 30 June, whichever is later.

Council resolved at the Ordinary Council Meeting on 22 February 2017 the intention to determine at the Ordinary Council meeting to be held on 24 May 2017 the Mayoral and Councillor allowances in accordance with section 74 and section 223 of the Local Government Act 1989 to be:

- a) *Mayoral Allowance* - \$ 71,748
- b) *Councillor Allowance* - \$ 23,709

Prior to Council resolving the level of allowances after a review, Council is required to undertake a s223 process under the Local Government Act 1989. Section 223 of the Local Government Act 1989 provides an opportunity for a person to make a submission on various documents and processes that Council undertakes.

Advertisements were placed in the local paper on Monday 27 February 2017 and again on Friday 3 March 2017. Submissions closed on Friday 7 April 2017 which allowed 6 weeks for submissions. One submission was received.

3. RECOMMENDATION

That Council having received and noted the written and verbal submission, refers the submission for further consideration to the Council meeting to be held on Wednesday 25 May 2017, as part of Council's deliberations in considering its final decision on Mayoral and Councillor Allowances.

4. BACKGROUND / KEY INFORMATION

BACKGROUND

Current Allowances

The allowance payments currently being made to Councillors are as follows:

Mayor: \$71,748 (in addition a superannuation allowance of \$6,816 is also payable)
Councillors: \$23,709 (in addition a superannuation allowance of \$2,252 is also payable)

These allowances may be further increased as a result of a review of allowance ranges and limits by the Minister as required under section 73B of the Act from time to time.

Payment of Allowances

The payment of Mayoral and Councillor Allowances must not exceed one month in advance. This was changed from 27 October 2012.

The Councillor Support Policy provides for the payments 4 weeks in arrears.

Review

Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later. (Section 74 (1) *Local Government Act 1989*).

Section 223 Process

Prior to Council resolving the level of allowances after a review, Council is required to undertake a s223 process under the *Local Government Act 1989*.

Section 223 of the *Local Government Act 1989* provides an opportunity for a person to make a submission on various documents and processes that Council undertakes.

The Council must provide an opportunity for written submissions to be provided for a period of at least 28 days. The Colac Otway Shire Council Community Engagement Policy of January 2013 recommends a six week submission period however shorter time frames may be appropriate depending on the circumstances related to external deadlines.

As part of this process any person who has made a written submission to the Council and has requested to be heard in support of their written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council or a Committee of Council established for this purpose.

At the Ordinary Meeting of Council on 22 February 2017 Council resolved that Council:

1. Gives public notice of its intention to determine at the Ordinary Council meeting to be held on 24 May 2017 the following Mayoral and Councillor allowances in accordance with section 74 and section 223 of the Local Government Act 1989:

- a) **Mayoral Allowance - \$ 71,748**
- b) **Councillor Allowance - \$ 23,709**

2. Appoint a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on a date to be determined, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.

3. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.

Advertisements were placed in the local paper on Monday 27 February 2017 and again on Friday 3 March 2017. Submissions closed on Friday 7, April 2017 which allowed 6 weeks for submissions. One submission was received.

KEY INFORMATION

Submissions closed on Friday 7, April 2017 which provided interested persons 6 weeks to lodge their submission. In relation to the matter being considered by Council one submission was received and the submitter has requested that they be heard in support of their written submission.

A summary of the submission is as follows:

Theme	Key Points	Discussion
Objection to any increase in allowances	<p>Asserting that there should be no increase in Councillor allowances.</p> <p>Expressing concern that increases in Councillor allowances have been above the rate cap and that this is high when compared to pension increases.</p>	<p>The proposal by Council will not increase allowances from the current rate applicable to the Mayor and Councillors.</p> <p>The proposed allowances are lower than the maximum rate allowed under the <i>Local Government Act 1989</i>.</p> <p>Each year the Minister for Local Government undertakes a review of Councillor allowances and all decisions on the quantum of allowances is made independent of Council. The latest increase set by the Minister for Local Government, which became effective from 1 December 2016, was 2.5% which is in-line with the rate cap set for the 2016/17 financial year.</p>

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

Advertisements for submissions were placed in the local paper on Monday 27 February 2017 and again on Friday 3 March 2017. Advertising of this Special Committee was placed in the Colac Herald on Friday 21 April 2017.

Submissions closed on Friday 7, April 2017 which allowed 6 weeks for submissions. One submission was received.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

Not applicable

ENVIRONMENTAL IMPLICATIONS

Not applicable

SOCIAL & CULTURAL IMPLICATIONS

Not applicable

ECONOMIC IMPLICATIONS

Not applicable

LEGAL AND RISK IMPLICATIONS

The *Local Government Act 1989* sections 73 to 75 detail provisions relating to allowances.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Councils budget includes an appropriate allocation for allowances and superannuation. Future budgets will take into account the level of allowances set through this process of review.

7. IMPLEMENTATION STRATEGY

DETAILS

The Order in Council has set down the current level of Councillor Allowances and a review of allowances must be completed within the period of 6 months after a general election or by the next 30 June, whichever is later.

Once the level of allowances were recommended at the Ordinary Council Meeting on 22 February 2017 a public consultation process was undertaken. Submissions and a report on the proposed allowances are now to be considered with final adoption proposed for the May 2017 Ordinary Council meeting.

COMMUNICATION

Council advertised its intention to review Mayoral & Councillor allowances in accordance with the requirements of the *Local Government Act 1989*. This was undertaken in the local newspaper and on Councils website.

TIMELINE

Mayoral and Councillor Allowances will be considered at the Ordinary Council Meeting on the 24 May 2017 and it is anticipated that the new allowance levels would take effect immediately thereafter.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.