

LOCAL GOVERNMENT REMUNERATION TRIBUNAL

Report and Determination on the Categorisation of the Eastern Capital City Regional Council.

REPORT:

1. On 2 September 2004 the Minister for Local Government, the Hon Tony Kelly MLC directed the Tribunal, pursuant to section 242 of the Local Government Act 1993 (the Act) to review the categorisation of the Eastern Capital City Regional Council (ECCR Council).
2. Section 242 provides that:
 - “(1) The Minister may direct the Remuneration Tribunal to make a determination as to whether, and (if so) how, a determination already made should be altered in relation to such councillors or mayors as are specified in the direction.*
 - (a) Such a determination must be made before the date specified for the purpose in the Minister’s direction.*
 - (b) In making the determination, the Remuneration Tribunal is to take into consideration such matters as are specified in the Minister’s direction and such other matters as the Remuneration Tribunal thinks fit.”*
3. On 9 June 2004 the Tribunal made a special determination on the categories of new and reconstituted councils. In that report the Tribunal determined that the ECCR Council would be categorised as a category 5 council for remuneration purposes.
4. In determining the appropriate categorisation of the new councils the Tribunal adopted the approach of placing the new councils in the category of the predominant former council area. The Tribunal was advised that the ECCR Council would comprise parts of the former councils of Yarrowlumla, Mulwaree and Gunning and all of the former Tallaganda Shire Council (TS Council). All except for Yarrowlumla Shire Council (YS Council) were

category 5 councils and for this reason the ECCR Council was determined as category 5.

5. The Tribunal has since been advised that the Mayor of the ECCR Council considers that the council is more appropriately categorised within Category 4 for remuneration purposes. To review the Mayor's claims, in accordance with the Minister's direction, the Tribunal has sought submissions from both the ECCR Council and the Director General of the Department of Local Government.
6. The submission received from the Mayor of the ECCR Council argues that it was the former (YS Council) which was administratively the predominant council in the merger. The council has provided the following information in support:
 - YS Council's income transferred to the ECCR Council was one third greater than TS Council's;
 - YS Council contributed 70 per cent of the ECCR Council's population;
 - YS Council provided the majority of the managerial/technical staff;
 - YS Council had a much larger growth rate than Tallaganda;
 - The proclamation instructed adoption of the codes, policies and plans from YS Council;
 - YS Council's General Manager was appointed Acting General Manager of the ECCR Council; and
 - YS Council's Mayor was appointed Administrator.
7. The Director General of the Department of Local Government has provided details of the area, population and ward structures of the former and new councils.

8. The Tribunal has carefully considered the information contained in both submissions and considers that the ECCR Council should be recategorised to Category 4 from the proclamation date of 11 February 2004.

DETERMINATION:

Pursuant to section 242 of the Local Government Act 1993 the Tribunal determines that the Eastern Capital City Regional Council shall be recategorised as a Category 4 council for remuneration purposes.

Local Government Remuneration Tribunal

(The Honourable Charles L Cullen Q.C.)

Dated: 11 October 2004