

**Local
Government
Remuneration
Tribunal**

Annual Report
and
Determination

*Annual report and determination under sections 239 and
241 of the Local Government Act 1993*

**15 April
2019**

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Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

Section 1 Introduction

1. The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the *Local Government Act 1993* (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
2. On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

Section 2 Background

3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.

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7. The Tribunal's determinations take effect from 1 July in each year.

Section 2 2018 Determination

1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Section 3 2019 Review

5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

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those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

Categorisation

9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

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has again sought to be re-categorised to a new category - 'Metropolitan Large – Growth Centre'.

15. Both councils may wish to provide further details for consideration in the 2020 annual review.

Metropolitan Medium Councils

16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

Metropolitan Small Council

19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of its centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

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Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.

23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW. Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

Regional Strategic Area Councils

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

Regional Rural Councils

25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

Rural Councils

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

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30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunal's findings that re-categorisation at that time was not warranted:

"41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.

42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."

32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

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also requested that the Tribunal make a recommendation in support of the payment of superannuation.

34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

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Other matters

40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

“54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69).”

41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.

42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal’s determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.

43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal’s jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.

44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

Conclusion

45. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,

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pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

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(Signed)

Dr Robert Lang

Dated: 15 April 2019

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)
Sydney

Major CBD (1)
Parramatta

Metropolitan Large (8)
Blacktown
Canterbury-Bankstown
Cumberland
Fairfield
Liverpool
Northern Beaches
Penrith
Sutherland

Metropolitan Medium (9)
Bayside
Campbelltown
Georges River
Hornsby
Ku-ring-gai
Inner West
Randwick
Ryde
The Hills

Metropolitan Small (11)
Burwood
Camden
Canada Bay
Hunters Hill
Lane Cove
Mosman
North Sydney
Strathfield
Waverley
Willoughby
Woollahra

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Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)
Newcastle
Wollongong

Regional Strategic Area (2)
Central Coast
Lake Macquarie

Regional Rural (37)
Albury
Armidale
Ballina
Bathurst
Bega
Blue Mountains
Broken Hill
Byron
Cessnock
Clarence Valley
Coffs Harbour
Dubbo
Eurobodalla
Goulburn Mulwaree
Griffith
Hawkesbury
Kempsey
Kiama
Lismore
Lithgow
Maitland
Mid-Coast
Mid-Western
Orange
Port Macquarie-Hastings
Port Stephens
Queanbeyan-Palerang
Richmond Valley
Shellharbour
Shoalhaven
Singleton
Snowy Monaro
Tamworth
Tweed
Wagga Wagga
Wingecarribee
Wollondilly

Rural (57)	
Balranald	Kyogle
Bellingen	Lachlan
Berrigan	Leeton
Bland	Liverpool Plains
Blayney	Lockhart
Bogan	Moree Plains
Bourke	Murray River
Brewarrina	Murrumbidgee
Cabonne	Muswellbrook
Carrathool	Nambucca
Central Darling	Narrabri
Cobar	Narrandera
Coolamon	Narromine
Coonamble	Oberon
Cootamundra-Gundagai	Parkes
Cowra	Snowy Valleys
Dungog	Temora
Edward River	Tenterfield
Federation	Upper Hunter
Forbes	Upper Lachlan
Gilgandra	Uralla
Glen Innes Severn	Walcha
Greater Hume	Walgett
Gunnedah	Warren
Gwydir	Warrumbungle
Hay	Weddin
Hilltops	Wentworth
Inverell	Yass
Junee	

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Table 3: County Councils

Water (4)
Central Tablelands
Goldenfields Water
Riverina Water
Rous

Other (6)
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Upper Hunter
Upper Macquarie

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Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

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(Signed)

Dr Robert Lang

Dated: 15 April 2019

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

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Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

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Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

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Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.