

## LOCAL GOVERNMENT REMUNERATION TRIBUNAL

### Report and Determination on the Categorisation of New and Reconstituted Councils.

#### REPORT:

1. On 31 May 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 determine the Category for each of the new and reconstituted Councils which have been created as a result of the regional reviews.

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. Section 239 of the Act provides the broad functions of the Tribunal.

*“(1) The Remuneration Tribunal must, at least once every 3 years:*

*(a) determine categories for councils and mayoral offices, and*

*(b) place each council and mayoral office into one of the categories it has determined.*

*(2) The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the maximum and minimum amounts of fees to be paid to mayors and councillors in each of the categories so determined.”*

4. Section 241 of the Act provides that:

*“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”*

5. In accordance with the legislation the Tribunal makes an annual determination on the Categories of each of the Councils in NSW and determines the minimum and maximum fees for each Category.
6. The determination currently in place was made in April 2003 (2003 determination) and remains in effect until 30 June 2004. The Tribunal, on 28 April 2004 made an annual determination (2004 determination) which will replace the 2003 annual determination when it comes into effect on and from 1 July 2004.
7. As a result of the regional reviews the Tribunal removed from the 2004 Determination those Councils, as advised to the Tribunal at that time, that had been either abolished, amalgamated or reconstituted. With the exception of the amalgamation of Sydney City Council with South Sydney City Council the Tribunal had insufficient information to be able to determine categories for the other new or reconstituted Councils.
8. In order for the Mayors and Councillors of the new Councils to receive fees as determined by the Tribunal it will be necessary for the Tribunal to place each of the Councils into an existing Category. Mayors and Councillors will then be able to receive fees in accordance with either the Tribunal’s 2003 determination – for those Mayors and Councillors who take office prior to 30 June 2003 – or the Tribunal’s 2004 determination which takes effect from 1 July 2004.

9. Because of the time constraints the Tribunal has not been able to undertake an assessment of each of the new Councils. The Tribunal is making a determination to ensure all Councils are listed in its Categories for remuneration purposes. A thorough review of the role and responsibilities of the new Councils will be undertaken at a later stage when there has been time to assess the impact of the changes.
  
10. In determining the Categories for the new Councils, the Tribunal has adopted the approach of placing the Councils in the Category of the predominant former Council area.

Local Government Remuneration Tribunal

(The Honourable Charles L Cullen Q.C.)

Dated: 9 June 2004

## DETERMINATIONS

### Determination No 1

The “Determination of Categories of Councils and County Councils for 2003/2004”, contained in the Tribunal’s Report of 30 April 2003 is amended as shown hereunder:

The Councils and their Categories listed below are added to the Determination with effect from their proclamation date.

<b>Council</b>	<b>Proclamation Date</b>	<b>Category</b>
Council of the City of Sydney	6/2/2004	S1
Greater Argyle Council	11/2/2004	3
Greater Queanbeyan City Council	11/2/2004	3
Cooma-Monaro Council	11/2/2004	4
Eastern Capital City Regional Council	11/2/2004	5
Tumut Council	11/2/2004	4
Yass Valley Council	11/2/2004	4
Upper Lachlan Council	11/2/2004	5
Clarence Valley Council	25/2/2004	3
Tamworth Regional Council	17/3/2004	3
Gwydir Shire Council	17/3/2004	5
Liverpool Plains Shire Council	17/3/2004	5
Albury City Council	26/5/2004	3
Bathurst Regional Council	26/5/2004	3
City of Lithgow	26/5/2004	4
Mid-Western Regional Council	26/5/2004	4
Greater Hume Shire Council	26/5/2004	5
Corowa Shire Council	26/5/2004	5
Oberon Council	26/5/2004	5
Upper Hunter Shire Council	26/5/2004	5

The following Councils are removed from the Determination with effect from the proclamation date.

<b>Council</b>	<b>Proclamation Date</b>
South Sydney, Sydney.	6/2/2004
Tallaganda, Yarrowlumla, Goulburn, Mulwaree, Queanbeyan, Cooma-Monaro, Tumut, Yass, Crookwell, Gunning.	11/2/2004
Copmanhurst, Grafton, Pristine Waters, Maclean.	25/2/2004
Tamworth , Manilla, Nundle, Gunnedah, Barraba, Bingara, Yallaro, Quirindi , Murrurundi, Parry.	17/3/2004
Albury, Hume, Bathurst, Evans, Greater Lithgow, Rylstone, Mudgee, Merriwa, Culcairn, Holbrook, Corowa, Oberon, Scone.	26/5/2004

**Determination No 2**

The “Determination of Categorisation of Councils and County Councils for 2004/2005” contained in the Tribunal’s Report of 28 April 2004 is replaced by the Determination listed hereunder.

**DETERMINATION OF CATEGORIES OF COUNCILS AND COUNTY COUNCILS FOR 2004/2005**

**Category S1 (1 Council)**                      Sydney

**Category S2 (3 Councils)**                      Newcastle  
Parramatta  
Wollongong

**Category S3**                                      County Councils

**Category S4**                                      County Councils  
(engaged in significant commercial activities)

**Category 1A (2 Councils)**

Blacktown  
Penrith

**Category 1. (16 Councils)**

Bankstown	Liverpool
Baulkham Hills	North Sydney
Campbelltown	Randwick
Fairfield	Ryde
Gosford	Sutherland
Hornsby	Warringah
Hurstville	Willoughby
Lake Macquarie	Wyong

**Category 2. (21 Councils)**

Ashfield	Lane Cove
Auburn	Leichhardt
Botany	Manly
Burwood	Marrickville
Camden	Mosman
Canada Bay	Pittwater
Canterbury	Rockdale
Holroyd	Strathfield
Hunters Hill	Waverley
Kogarah	Woollahra
Ku ring Gai	

**Category 3. (32 Councils)**

Albury City	Greater Taree
Armidale Dumaresq	Griffith
Ballina	Hastings
Bathurst Regional	Hawkesbury
Bega Valley	Kempsey
Blue Mountains	Lismore
Broken Hill	Maitland
Byron	Orange
Cessnock	Pt Stephens
Clarence Valley	Shellharbour
Coffs Harbour	Shoalhaven
Dubbo	Tamworth Regional
Eurobodalla	Tweed Heads
Gt Lakes	Wagga Wagga
Greater Argyle	Wingecarribee
Greater Queanbeyan	Wollondilly

**Category 4. (32 Councils)**

Bellingen	Murray
Cabonne	Muswellbrook
City of Lithgow	Nambucca
Cobar	Narrabri
Cooma-Monaro	Narrandera
Cootamundra	Parkes
Cowra	Richmond Valley
Deniliquin	Singleton
Forbes	Snowy River
Gilgandra	Tumut
Glen Innes	Walgett
Gunnedah	Wellington
Inverell	Wentworth
Kiama	Yass Valley
Leeton	Young
Mid-Western Regional	
Moree Plains	

**Category 5. (47 Councils)**

Balranald	Corowa	Narromine
Berrigen	Dungog	Oberon
Bland	Eastern Capital City Regional	Severn
Blayney	Gloucester	Temora
Bogan	Greater Hume	Tenterfield
Bombala	Gundagai	Tumbarumba
Boorowa	Guyra	Upper Hunter
Bourke	Gwydir	Upper Lachlan
Brewarrina	Harden	Uralla
Carrathool	Hay	Urana
Central Darling	Jerilderie	Wakool
Conargo	Junee	Walcha
Coolah	Kyogle	Warren
Coolamon	Lachlan	Weddin
Coonabarabran	Liverpool Plains	
Coonamble	Lockhart	
	Murrumbidgee	

**TOTAL GENERAL PURPOSE COUNCILS 154**

**Category S3 (12 Councils)**

Castlereagh – Macquarie	New England
Central Murray	North West Weeds
Central Northern	Richmond River
Far North Coast	Southern Slopes
Hawkesbury River	Upper Hunter
Mid Western	Upper Macquarie

**Category S4 (8 Councils)**

Central Tablelands	Lower Clarence
Clarence River	MidCoast
Cudgegong	Riverina Water
Goldenfields Water	Rous

**TOTAL COUNTY COUNCILS 20**

Local Government Remuneration Tribunal

(The Honourable Charles L Cullen Q.C.)

Dated: 9 June 2004