Local Government Remuneration Commission

Annual Report 2019



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29 November 2019

The Honourable Stirling Hinchliffe MP Minister for Local Government, Racing and Multicultural Affairs 1 William Street Brisbane QLD 4000

Dear Minister

On 29 November 2019, the Local Government Remuneration Commission (Commission) concluded its review of the categories of local governments and the assignment of local governments to categories. In addition, the Commission determined the levels of remuneration for mayors, deputy mayors and councillors of Queensland local governments (excluding Brisbane City Council) as required by section 177(c) of the *Local Government Act 2009* and Chapter 8, Division 1 of the *Local Government Regulation 2012*.

Our determinations on these matters, together with the Remuneration Schedule to apply from 1 July 2020 are included in the enclosed Report, which we commend to you.

Andreal

Yours sincerely

Robert (Bob) Abbot Chair Commissioner Andrea Ranson Commissioner Reimen Hii Commissioner

Department of Local Government, Racing and Multicultural Affairs



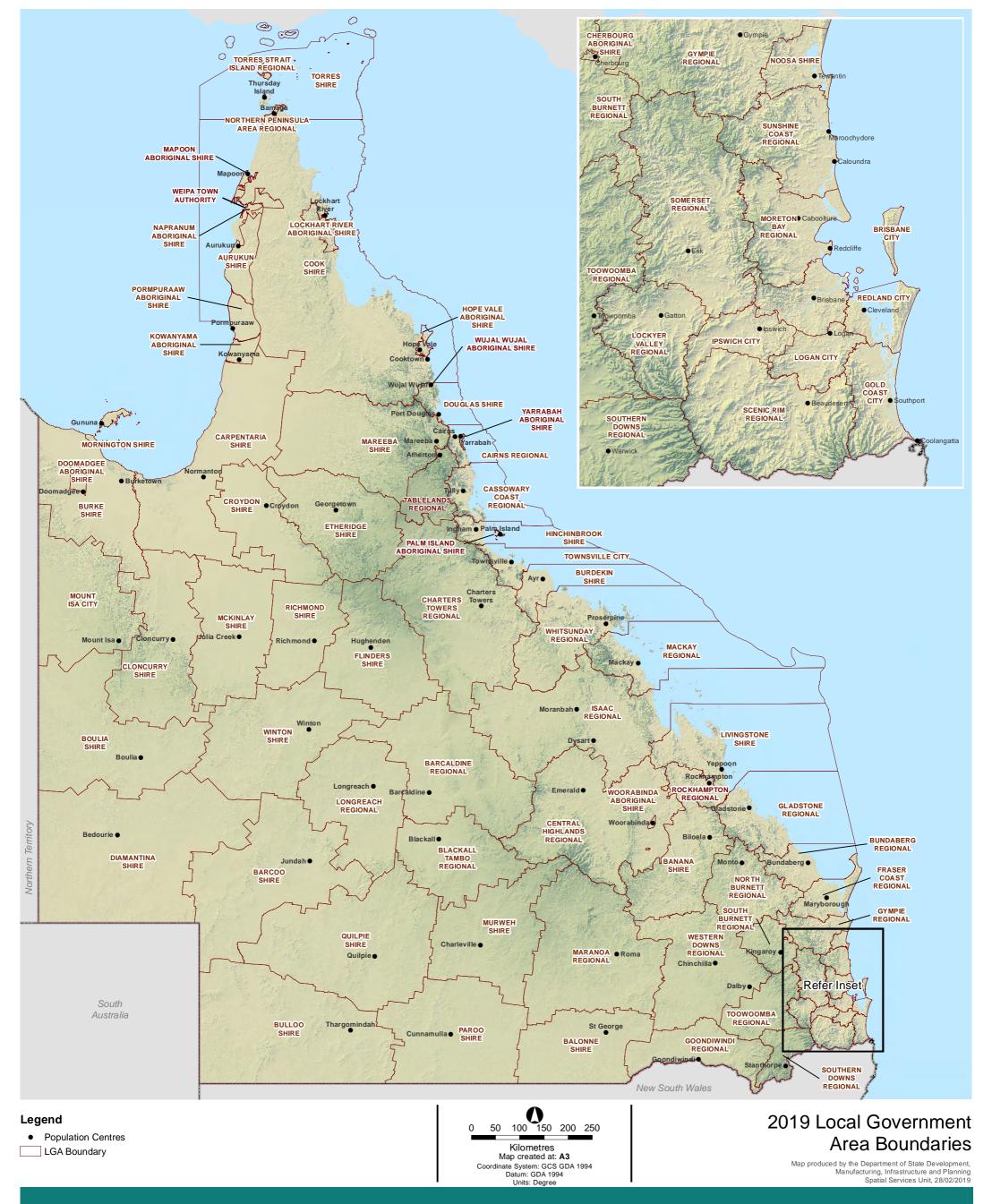




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2019 Report at a glance

The Commission has reviewed the current categories and decided not to make any change in this current review. The Commission will undertake a comprehensive category review within the first 12 months following the quadrennial local government elections in March 2020.

The Commission has decided to increase the maximum remuneration levels for mayors, deputy mayors and councillors by two per cent from 1 July 2020.

In making its determination, the Commission considered the following:

- Increases in the Consumer Price Index (CPI) for the financial year ended 30 June 2019 (percentage change from previous financial year)¹
 - Weighted average of the eight capital cities: +1.6 per cent
 - Brisbane: +1.6 per cent.
- Increases in CPI for the year ended September 2019 (percentage change from corresponding quarter of previous year)²
 - Weighted average of the eight capital cities: +1.7 per cent
 - Brisbane: +1.9 per cent.
- Increases in the Wage Price Index (WPI) for the financial year ended 30 June 2019³
 - Australia & Queensland (All Industries): +2.3 per cent
 - Australia & Queensland (Public Sector): +2.5 per cent.
- The Commission considered Brisbane City Council's Independent Councillor Remuneration Tribunal (ICRT) remuneration determination a potentially relevant factor, however, the ICRT reviews and resets Brisbane City councillor remuneration arrangements every five (5) years. The last increase was in 2017, at which time the ICRT accorded a two per cent increase to salaries effective 1 July 2018. In its 20 November 2019 Report, the Tribunal did not issue a determination which provided a percentage increase to salaries.
- Decision of the Salaries and Allowances Tribunal of Western Australia determination dated 9
 April 2019:
 - one per cent increase.
- Decision of the New South Wales Local Government Remuneration Tribunal Determination and Annual Report dated 15 April 2019:
 - 2.5 per cent increase.

¹ Source: Australian Bureau of Statistics 6401.0 - Consumer Price Index, Australia, Jun 2019; 'Summary', 'Selected Tables – Capital Cities', '2 All Groups CPI, Percentage changes', 'Percentage Change (from Previous Financial Year)' ² Source: Australian Bureau of Statistics 6401.0 - Consumer Price Index, Australia, Sep 2019; 'Summary', 'Selected Tables – Capital Cities', '2 All Groups CPI, Percentage changes', 'Percentage Change (from Corresponding Quarter of Previous Year)'

³ Source: ABS 6345.0 - Wage Price Index, Australia, Jun 2019 - All WPI series: Original (Financial Year Index Numbers for year ended June quarter)

- Decision of the Victorian Minister for Local Government:
 - two per cent increase as at 1 December 2018. It is noted the 1 December 2019 Victorian decision was unavailable at the date of determination.

In making its decision the Commission also had regard to anecdotal reports and submissions received about:

- financial pressures on councils and sustainability of their communities
- recent level of impact of natural disasters
- increased requirement for community support
- councils' role in economic development and local infrastructure
- needs of resident and non-resident populations
- increasing pressure to deliver innovative solutions
- unique qualities and complexities of diverse communities
- potential impact of government reforms, such as changes to legislation arising from the Crime and Corruption Commission's report 'Operation Belcarra: A blueprint for integrity and addressing corruption risk in local government'.

1. The Commission

Formation and composition

The Local Government Remuneration Commission (Commission) is an independent entity established under the *Local Government Act 2009* (Act). On 1 October 2019, His Excellency the Governor, acting by and with the advice of the Executive Council, approved three new appointees to the Commission for a term of four years. This is the first report of the new Commission, and the thirteenth report including the reports of the former Local Government Remuneration and Discipline Tribunal and the Local Government Remuneration Tribunal.

The current Chair and Commissioners of the Commission are:

Mr. Robert (Bob) Abbot

Chair

Mr. Abbot has extensive experience in the local government sector with 32 years as an elected councillor and mayor. Mr. Abbot has experience working at State and National local government organizations and has held board and panel positions, including Deputy Chair of the South East Queensland Council of Mayors, Director of the Local Government Association of Queensland (LGAQ), and Director of the Australian Local Government Association. Mr. Abbot has been a mentor for newly elected mayors on behalf of the LGAQ, with a particular focus on mentoring Queensland Indigenous mayors.

Ms. Andrea Ranson

Commissioner

Ms. Ranson has extensive experience in Law and Business, including public and private sector governance and supply chain industry. Ms. Ranson practiced as a senior lawyer and brings substantial experience in civil, commercial and industrial law, equal opportunity, ethics and justice. Ms. Ranson is a Nationally Accredited Mediator currently working with the Queensland Civil and Administrative Tribunal (QCAT), and a Dispute Resolution Panel Member with the Department of Justice. Ms. Ranson is also currently a Director appointed to the Board of North Queensland Bulk Ports Corporation and is a member of the Corporate Governance & Planning Committee and Audit & Financial Risk Management Committee of that Board. Ms. Ranson holds a Master of Laws, Bachelor of Laws (Honours), and Bachelor of Arts. She is also a Graduate of the AICD (GAICD) and Fellow of the Governance Institute of Australia (FGIA). Ms. Ranson has significant understanding of regional Queensland, industry sectors and stakeholder engagement. Ms. Ranson brings her business acumen, legal skill, and passion for regional communities to the role.

Mr. Reimen Hii

Commissioner

Mr. Hii is a barrister and nationally accredited mediator. He also works as a mediator with QCAT. He holds a Bachelor of Laws and Bachelor of Arts Degree and is a practicing lawyer, with extensive knowledge in public administration and community affairs, and a particular interest in civil and commercial law. Mr. Hii is experienced in professional discipline matters, including investigations, public administration, corporate and public governance, public sector ethics and finance. Mr. Hii has a culturally and linguistically diverse background and experience working with diverse communities.

Mr. Abbot, Ms. Ranson and Mr. Hii are honoured to present this inaugural 2019 report of the newly formed Commission. The Commission is committed to undertaking its duties with diligence, skill, independence and transparency over the next four years.



The Local Government Remuneration Commission

From left: Mr Reimen Hii, Ms Andrea Ranson and Mr. Robert (Bob) Abbot

Remuneration Responsibilities

Chapter 6, Part 3 of the Act, proclaimed into force on 3 December 2018, established the Local Government Remuneration Commission to assume the remuneration functions of the former Local Government Remuneration and Discipline Tribunal which ceased to exist on 3 December 2018.

Section 177 of the Act provides the functions of the Commission are:

- to establish the categories of local governments, and
- to decide the category to which each local government belongs, and
- to decide the maximum amount of remuneration payable to the councillors in each of the categories, and
- another function related to the remuneration of councillors if directed, in writing, by the Minister.

Chapter 8, Part 1, Division 1 of the Local Government Regulation 2012 (Regulation) sets out the processes of the Commission in deciding the remuneration that is payable to councillors.

The Regulation requires the Commission to review the categories of local governments once every four years, in the year prior to each quadrennial election, to determine whether the categories and the assignment of local governments to those categories require amendment.

After determining the categories of local governments, the Regulation also requires the Commission to decide annually, before 1 December each year, the maximum amount of remuneration to be paid to mayors, deputy mayors and councillors in each category from 1 July of the following year.

In addition, section 248 of the Regulation allows a local government to make a submission to the Commission to vary the remuneration for a councillor, or councillors, to a level higher than that stated in the remuneration schedule where the local government considers exceptional circumstances apply. The Commission may, but is not required to, consider any such submission. If the Commission is satisfied that exceptional circumstances exist, the Commission may approve payment of a higher amount of remuneration.

The Former Local Government Remuneration and Discipline Tribunal

The Commission acknowledges the substantive contribution of the 2007-2018 former Tribunal/s to develop the local government remuneration schedule and category system.

The key milestones of the 2007 and subsequent Tribunals has been well documented and comprehensive history around decision making and rationale can be found in each of the 2007-2018 Tribunal Reports.

The Commission will, as stated in this report, undertake a comprehensive category review within the first 12 months following the quadrennial local government elections in March 2020. It is expected that during this review, the Commission will reference historic decision making and reasoning in relation to issues as appropriate.

2. Remuneration determination

Remuneration determination for councillors

As required by section 246 of the Regulation the Commission has prepared a remuneration schedule for the 2020-2021 financial year, applicable from 1 July 2020 (the Schedule), which appears below.

Arrangements have been made to publish the Schedule in the Queensland Government Gazette and for this report to be printed and presented to the Minister for Local Government.

Methodology

The Commission had regard to the matters in section 244 and 247 (2), (5) of the Regulation in determining the Schedule. The Commission also noted and had regard to the matters listed on page 2 of this Report to determine the appropriate maximum remuneration in each category of local government.

The Commission notes it did not receive any specific submissions from councils in relation to setting the remuneration schedule for the 2020-2021 financial year and has continued to adopt a conservative approach to setting remuneration levels.

Matters not included in the remuneration schedule

Section 244(3) of the Regulation states that the remuneration cannot include:

- any amount for expenses to be paid or facilities to be provided to councillors under a council's expenses reimbursement policy; or
- any contribution a local government may make to a voluntary superannuation scheme for councillors.

During the 2019 consultation period, Barcaldine Regional Council sought clarification of the role of the Commission to direct payment of compulsory superannuation payments to councillors.

The Commission notes section 244(3) of the Regulation states the remuneration decided by the Commission cannot include "voluntary superannuation scheme for councillors". In this regard, the Commission has determined that it has no power to direct matters relating to the structure, payment or otherwise of voluntary schemes, including salary sacrifice or other salary packaging.

Page 11 of the 2018 Tribunal Report considered the issue of superannuation, commenting:

"Accordingly, the level of superannuation payments made to a councillor is a matter to be determined by each individual council having regard to the relevant Commonwealth legislation and section 226 of the Act, as is the issue of whether a councillor may salary sacrifice such contributions".

The Commission notes there is precedent where Queensland local governments have paid superannuation to councillors. While this may be the case, the Commission notes the payment of compulsory or voluntary superannuation payments to councillors falls outside of its statutory functions and the Commission is unable to make a determination to direct council in relation to superannuation.

The Commission has informed Barcaldine Regional Council of this determination.

Pro rata payment

Should an elected representative hold a councillor position for only part of a financial year, she or he is only entitled to remuneration to reflect the portion of the year served.

Remuneration schedule to apply from 1 July 2020

			neration deter om 1 July 202	
		(\$ pe	er annum; see No	te 1)
Category	Local governments assigned to categories	Mayor	Deputy mayor	Councillor
Category 1 (see Note 2)	Aurukun Shire Council Balonne Shire Council Banana Shire Council Barcaldine Regional Council Barccoo Shire Council Blackall-Tambo Regional Council Bulloo Shire Council Burdekin Shire Council Burke Shire Council Burke Shire Council Burke Shire Council Carpentaria Shire Council Charters Towers Regional Council Cherbourg Aboriginal Shire Council Cook Shire Council Cook Shire Council Cook Shire Council Doomadgee Aboriginal Shire Council Doomadgee Aboriginal Shire Council Etheridge Shire Council Etheridge Shire Council Goondiwindi Regional Council Hinchinbrook Shire Council Hope Vale Aboriginal Shire Council Kowanyama Aboriginal Shire Council Longreach Regional Council Mapoon Aboriginal Shire Council Mornington Shire Council Mornington Shire Council Morth Burnett Regional Council North Burnett Regional Council Northern Peninsula Area Regional Council Palm Island Aboriginal Shire Council Pormpuraaw Aboriginal Shire Council Richmond Shire Council Torres Striet Island Regional Council Torres Striat Island Regional Council Winton Shire Council Torres Strait Island Regional Council Winton Shire Council Woorabinda Aboriginal Shire Council Winton Shire Council	\$108,222	\$62,435	\$54,110
Category 2	Mareeba Shire Council Mount Isa City Council Somerset Regional Council	\$124,869	\$74,923	\$62,435

Category 3	Cassowary Coast Regional Council Central Highlands Regional Council Gympie Regional Council Isaac Regional Council Livingstone Shire Council Lockyer Valley Regional Council Maranoa Regional Council Noosa Shire Council Scenic Rim Regional Council South Burnett Regional Council Southern Downs Regional Council Tablelands Regional Council Western Downs Regional Council Whitsunday Regional Council	\$133,196	\$83,247	\$70,759
Category 4	Bundaberg Regional Council Fraser Coast Regional Council Gladstone Regional Council Rockhampton Regional Council	\$158,168	\$104,059	\$91,571
Category 5 Cairns Regional Council Mackay Regional Council Redland City Council Toowoomba Regional Council		\$183,143	\$124,869	\$108,222
Category 6	tegory 6 Ipswich City Council Townsville City Council		\$141,520	\$124,869
Category 7	Logan City Council Moreton Bay Regional Council Sunshine Coast Regional Council	\$233,091	\$161,499	\$141,520
Category 8	Gold Coast City Council	\$258,066	\$178,981	\$154,006

Notes to the remuneration schedule

In its 2014 report the then Tribunal explained the rationale behind the adoption of a system of remuneration which comprised a base payment (of two thirds of the annual remuneration) and a monthly payment based upon attendance at, and participation in, the 12 mandated council meetings.

- Note 1 The monetary amounts shown are the per annum figures to apply from 1 July 2020. If an elected representative only serves for part of a full year (that is, 1 July to 30 June) they are only entitled to a pro rata payment to reflect the portion of the year served.
- Note 2 For councillors in Category 1 councils, a base payment of \$36,073.28 is payable for the 12 months commencing on 1 July 2020. A meeting fee of \$1,503.06 per calendar month (or fortnightly equivalent) is payable for attendance at, and participation in, scheduled meetings of council subject to certification by the mayor and/or chief executive officer of the council. Mayors and deputy mayors in category 1 councils are to receive the full annual remuneration level shown.

3. Determination of Categories pursuant to s. 177 of the Act

As noted above, Chapter 8, Part 1, Division 1 of the Regulation sets out the processes which the Commission is required to observe in deciding the remuneration that is payable to councillors.

Section 241 of the Regulation states the Commission must establish categories of local governments to enable the Commission to decide the maximum amounts of remuneration that are payable to mayors and other councillors in each of the categories.

Determination

The Commission has reviewed the current categories and decided not to make any change in this current review. The Commission will undertake a comprehensive category review within the first 12 months following the quadrennial local government elections in March 2020.

In reaching this decision, the Commission has carefully considered all nine (9) submissions received by it (set out below) during the review period.

The former Tribunal also reported two outstanding determinations to be considered by the newly formed Commission in 2019:

1. Isaac Regional Council (page 11-12, 2018 Tribunal Report) – council requested that the former Tribunal consider the current remuneration of mayors of councils in Category 3 to ensure it reflected full time hours for the mayor. The submission proposed that in order to achieve this, existing Category 3 councils be divided into two new categories, namely Category 3A and 3B.

Determination: The Commission notes a further submission was made by council during the 2019 deputation review period which largely reflected the submission made to the former Tribunal. The Commission has determined not to make any changes in this current review. The Commission will undertake a comprehensive review within the first 12 months following the quadrennial local government elections in 2020.

2. Moreton Bay Regional Council (page 12, 2018 Tribunal Report) - oral submission from Moreton Bay Regional Council requesting the Tribunal to establish a process for allowances and expenditure for councillor's similar to that of Queensland MPs.

Determination: The Commission did not receive any further submission during the 2019 consultation period from Moreton Bay Regional Council (about this or any other matter). The Commission has determined not to make any changes in this current review and has further determined on the basis of the information available to it that the submission falls outside of its statutory remit.

Matters raised with the Commission during the remuneration review program

A summary table of submissions made to the Commission during the review period and the Commission's determination is provided below.

Meetings and deputations

Local governments were provided with the opportunity to meet with the Commission at the 123rd Annual Conference of the LGAQ at the Cairns Convention Centre on Tuesday 15 October 2019. Commissioners were also available to engage with councils at the LGAQ Conference from Monday 14 October 2019 to Wednesday 16 October 2019 inclusive.

Oral submissions were received by the Commission in the form of deputations during this period. Written submissions were further received by the Commission on or before the due date for submissions on 28 October 2019.

In making its determination, the Commission had regard to the submissions it received, together with the matters on page 2 (summary) of this report.

Key points raised with the Commission during the 2019 review period included increasing demands on council in relation to sustainability, industry and innovation, potential recognition of differential councillor workload, structuring the payment of meeting fees and superannuation.

Table – Summary of 2019 Submissions

1	Date Received	Oral – LGAQ Annual Conference 15 October 2019 Written – 1 October 2019
	Received from	Boulia Shire Council; Mayor Eric (Rick) Britton; Deputy Mayor Rebecka (Beck) Britton
	Summary of submission	Currently Category 1 The council wished to affect a change in the remuneration to councillors (this does not affect the mayor or deputy mayor). Submitted that there is a need to review Meeting Fees to ensure performance. CEO stated that the submission "while unusual, it is supported by councillors who are happy to adopt the proposal that councillors are only paid if they attend a Meeting and not otherwise". Council identified disparity in workloads amongst councillors, with some councillors agreeing that they are limited in time/ability to attend all meetings and agreeing they should not be paid.
	Determination	The Commission considers it cannot approve the request for differential remuneration as submitted by council as s247 (5) of the Regulation provides that the amount of remuneration for each councillor (other than a mayor or deputy mayor) must be the same.
2	Date Received	Oral – LGAQ Annual Conference 15 October 2019
	Received from	Flinders Shire Council; Mayor Jane McNamara; Cr Arthur (Bill) Bode; CEO Daryl Buckingham
	Summary of submission	Currently Category 1 General discussion regarding financial sustainability and community expectations around maximum remuneration of councillors. Submission that remuneration be reviewed every 4 years instead of annually.

	Determination	s. 244(1) of the Regulation requires that the Commission must review and decide on remuneration rates before 1 December each year.
3	Date Received	Oral – LGAQ Annual Conference 15 October 2019 Written – 28 October 2019
	Received from	Central Highlands Council; Deputy Mayor Gail Godwin-Smith; CEO Scott Mason
	Summary of submission	Currently Category 3 Requested new category be considered between Category 3 and 4 by inserting Category 3(a) and Category 3(b). Council submitted that it does not consider it can justify being within Category 4 but that it can be differentiated from Category 3. The following factors were relied upon in council's submission: (a) geographic > 50,000 square km's; (b) population > 30,000 (c) diversity in population centers (d) significant industry diversity and engagement Council identified that similar challenges facing both Central Highlands and Isaac Regional Council supported the creation of two new categories. Key issues raised in support of council's submission included increased (and significant) demand particularly around the resource and agricultural sectors, infrastructure growth, innovation and regional sustainability. Discussed issues relating to resident and non-resident population demands creating additional workload and whether councillors could properly be considered as 'part-time' given increasing community and industry expectations for council regarding regional sustainability.
	Determination	The Commission has determined not to make any category changes in the current review. This issue will form part of the Commission forthcoming comprehensive review of categories.
4	Date Received	Oral – LGAQ Annual Conference 15 October 2019 Written – 24 October 2018 and 28 October 2019
	Received from	Isaac Regional Council; Deputy Mayor Kelly Vea Vea, Mary-Anne Uren, Senior Advisor Submission stated to relate to increased remuneration for mayor only.
	Summary of submission	Requested new category be considered between Category 3 and 4 by inserting Category 3(a) and Category 3(b). Council submitted that it does not consider it can justify being within Category 4 but that it can be differentiated from Category 3 and identified the following key issues in support of council's submission: (a) geographic > 50,000 square km's (b) population > 30,000 (c) diversity in population centers (d) significant industry diversity and engagement.
		Council identified similar challenges facing Central Highlands Council. In relation to Isaac Regional Council, council submitted that in the 2018-2019 financial year, the mayor of Isaac attended 496 meetings inside the local government area, and 50 meetings outside of the local government area, travelling a total of 32,651km. Council further submitted that it has 26 operating mines in the local government area with significant (increasing) workload arising from both the resource and agricultural sectors

	including increased expectations around stakeholder engagement and regional sustainability. Council identified increased community expectations regarding procurement and employment, and community expectations for engagement and support across a range of issues including drought.
Determination	The Commission has determined not to make any category changes in the current review. This issue will form part of the Commission forthcoming comprehensive review of categories.
5 Date Received	Oral – LGAQ Annual Conference 15 October 2019 Written – 29 October 2019
Received from	Sunshine Coast Regional Council; Deputy Mayor Tim Dwyer; CEO Michael Whittaker; Chief of Staff Craig Matheson
Summary of submission	Current Category 7 Noted that Commission Chair, Mr. Bob Abbot, was a former mayor of the Sunshine Coast Regional Council from 2008-2012. Chair declared that he had no conflict of interest or material personal interest and remained in the room.
	Commissioners Ranson and Hii determined that given the declaration from the Chair, and in the absence of any actual or perceived material personal interest of the Chair, that it was appropriate for the Chair to remain to receive the deputation and deliberate.
	Council submitted that it was supportive of the current category system and that it wished to remain in Category 7.
Determination	The Commission has determined not to make any category changes in the current review. This issue will form part of the Commission forthcoming comprehensive review of categories.
6 Date Received	Oral – LGAQ Annual Conference 15 October 2019
Received from	Barcaldine Regional Council; Mayor Rob Chandler
Summary of submission	Category 1
Submission	Submission that the Commission consider superannuation for councillors, particularly the mayor.
Determination	The payment of compulsory or voluntary superannuation payments to councillors falls outside the Commission's statutory functions.
7 Date Received	Written – 24 October 2019
Received from	Western Downs Regional Council
Summary of submission	Submission that satisfied with current category system and wished to remain at Category 3.
Determination	The Commission has determined not to make any category changes in the current review. This issue will form part of the Commission forthcoming comprehensive review of categories.

8	Date Received	Written – 25 October 2019
	Received from	Toowoomba Regional Council
	Summary of submission	Submission to elevate council from current Category 5 to Category 6. Currently in the same category as Cairns, Mackay, Redland, however, Toowoomba submitted that it is more appropriately benchmarked on a variety of measures, with those in Category 6, specifically Ipswich and Townsville.
	Determination	The Commission has determined not to make any category changes in the current review. This issue will form part of the Commission forthcoming comprehensive review of categories.
9	Date Received	Oral submission Referred from Previous Commission – 2018 Report
	Received from	Moreton Bay Regional Council
	Summary of	
	submission	In its final report, the former Tribunal referred the submission to the newly formed Commission. The submission argued that there was a lack of consistency between the levels of government (Queensland Members of Parliament and local government councillors) which can be seen, for example, in community events where councillors are required to pay to attend events themselves, while state MPs may pay for it out of their allowance.
	Determination	The Commission did not receive any further submission during the 2019 consultation period and notes that this request is outside of its remit.

4. Other activities of the Commission

Exceptional circumstances carried over from the former Local Government Remuneration and Discipline Tribunal:

On 1 November 2018, following the suspension of the then Mayor of Doomadgee Aboriginal Shire Council, the council sought approval to vary the remuneration of the acting mayor (Councillor Jason Ned) until the end of the elected members term or until the mayor is either removed from office or the suspension concludes. The request was made prior to the formation of the current Commission. The former Tribunal wrote to council seeking clarifying information and carried this matter over for determination by the newly formed Commission.

Following receipt of the confirmed minutes from the council showing the resolution, the Commission considered and approved the request to increase the remuneration and back pay Cr Jason Ned.

The Commission has advised Doomadgee Aboriginal Shire Council of this decision.

5. Commission's future priorities

The Commission will invite further consultation and submissions from councils in the first year of the elected term for councillors following the 2020 local government elections. The purpose will be to ascertain whether any change following a further comprehensive category review may be warranted in that year, rather than waiting until the next quadrennial review due on 1 December 2023.

Further information about the Commission and/or the Councillor Conduct Tribunal can be located at www.dlgrma.qld.gov.au

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