



City of Whitehorse

MINUTES

Special Committee of Council Meeting

**Held in the
Council Chamber
Whitehorse Civic Centre**

379 Whitehorse Road Nunawading

on

Tuesday 14 March 2017

at 8.00pm

Members: Cr Denise Massoud (Mayor) , Cr Bill Bennett,
Cr Raylene Carr, Cr Prue Cutts, Cr Andrew Davenport,
Cr Sharon Ellis, Cr Tina Liu, Cr Andrew Munroe,
Cr Ben Stennett, Cr Tanya Tescher

Ms Noelene Duff
Chief Executive Officer



GUIDELINES SPECIAL COMMITTEE OF COUNCIL

OBJECTIVE

To enhance the consultative process and facilitate public participation and involvement of the community in Council decision making in accordance with Council's Corporate Plan strategies – good governance.

PURPOSE OF GUIDELINES

To facilitate public participation and involvement in meetings of the Special Committee. These Guidelines complement Council's Meeting Procedures and Common Seal Local Law 2013.

PROVISION FOR PUBLIC PARTICIPATION

The public has two opportunities to participate in this meeting – either by a submission which may be heard at the start of the meeting, (i.e. **Public Submissions**, refer below) or if the item is on the agenda, immediately prior to consideration of the item, and by **Public Comment** later in the meeting. There is no public interjection during the meeting and speakers are heard in an orderly manner.

Public Submissions:

A submission may be made on any matter, providing it is not in contravention of Council's Meeting Procedures and Common Seal Local Law 2013.

A maximum of 10 speakers will be permitted to make a submission and they will be determined in order of registration.

No individual submission shall exceed three minutes.

Where submissions have been made, under the provisions of any statutory process, further submissions shall not be heard, unless the matter is listed as an item of business on the Special Committee of Council agenda.

Procedures for Public Submissions:

Persons wishing to make a submission to the Special Committee on matters other than land planning matters must directly notify the Committee Clerk, Civic Services Department by 4pm on the day of the meeting and register to speak, by telephoning 9262-6337. The person who registers to speak shall be the person who will make the submission to the Special Committee.

Persons wishing to make a submission to the Special Committee on any land use planning matter must directly notify the Committee Clerk, Civic Services Department, at least five working days prior to the day of the meeting and register to speak by telephoning 9262-6337. The person who registers to speak, shall be the person who will make the submission to the Special Committee.

At the time of registering to speak, that person must indicate whether he or she will be speaking in support of or opposition to any planning permit application or Planning Scheme Amendment (or proposed planning permit application or proposed Planning Scheme Amendment). The Special Committee must not listen to or read anything said by that person unless it is satisfied that, at least four working days before the day of the Special Committee Meeting, a member of Council staff has contacted the person(s) whose interests are inimical to the person who has registered to speak (eg has contacted the planning permit applicant if the person who has registered to speak has indicated that he or she will speak in opposition to the grant of a planning permit application) and invited the first-mentioned person (or a person authorised by him or her) to also register by 4pm on the day of the meeting to attend the Special Committee Meeting and speak.

Persons wishing to table written material must provide 15 copies to the Committee Clerk prior to the commencement of the meeting to enable distribution to Councillors prior to the start of the meeting. No material will be distributed during the meeting by any person, including Council staff.

Requests to speak will be registered strictly in the order of receipt. Speakers for topics not listed on the Special Committee Agenda for the meeting will be heard first, then speakers who wish to cover more than one topic (3 minutes in total, not 3 minutes per topic).

In instances where a number of persons wish to address the Special Committee on the same matter, the Chairperson at his or her discretion may request they nominate a speaker/speakers to represent them.

In accordance with Clause 48.5 of Council's Meeting Procedures and Common Seal Local Law 2013. It is not necessary for Standing Orders to be suspended to allow a person to address the Special Committee, subject to compliance with these Guidelines.

Public Comment:

After the "Other Business" Section of the meeting has concluded, the Mayor will invite members of the gallery to indicate by show of hands if they wish to make a comment. *Only matters pertaining to this evening's meeting are to be commented on, (i.e. a Council Officer report or presentation, and any "Other Business" matters) and a 3 minute period per speaker applies.* A maximum period of 15 minutes shall be provided for public comment. The Mayor will call individuals forward to be heard and they should begin by clearly stating their name. This is a period for comment, not questions or debate *and there is no opportunity for any further Public Submissions*

ADOPTION AND AMENDMENT OF THESE GUIDELINES

These guidelines were adopted by resolution of Council dated 19 August 2013 and may be further amended by resolution of Council from time to time. The Chairperson at his or her discretion may vary procedures under these Guidelines, at any meeting of the Special Committee.

SUBMISSIONS UNDER S223 OF THE LOCAL GOVERNMENT ACT 1989

A person who makes a written submission under section 223 of the *Local Government Act* 1989 may also request to be heard by a Committee of Council appointed to consider and hear submissions.

Council at its meeting held 30 January 2017 considered a report on Review of Mayoral and Councillor Allowances – Public Submissions; at that meeting Council authorised to give public notice of the proposed allowance and call for submissions under Section 223 of the Local Government Act 1989 (the Act).

In that report the Special Committee of Council meeting to be held Tuesday 14 March 2017 at 8.00pm was identified as the Special Committee Meeting to hear and consider any submissions.

One person requested to be heard in support of their written submission on Review of Mayoral and Councillor Allowances - Public Submissions In line with statutory requirements this speaker has up to five minutes for their verbal submission. (Refer to page 4 of the minutes)

Meeting opened at 7.00pm

Present: Cr Massoud (Mayor), Cr Bennett, Cr Carr, Cr Cutts, Cr Davenport,
Cr Ellis, Cr Liu, Cr Munroe, Cr Tescher

1 PRAYER

1a Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

Amen.

1b Aboriginal Reconciliation Statement

"In the spirit of reconciliation, Whitehorse City Council acknowledges the Wurundjeri people as the traditional custodians of the land we are meeting on. We pay our respects to their Elders past and present."

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES:

Cr Stennett has sought a leave of absence for tonight's Special Committee of Council Meeting 14 March 2017.

SPECIAL COMMITTEE RESOLUTION

Moved by Cr Cutts, Seconded by Cr Ellis

That the apology from Cr Stennett be received and that leave of absence be granted for tonight's Special Committee of Council Meeting 14 March 2017.

CARRIED

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES

Minutes of the Special Committee Meeting 13 February 2017

SPECIAL COMMITTEE RESOLUTION

Moved by Cr Carr, Seconded by Cr Ellis

That the minutes of the Special Committee Meeting 13 February 2017 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 PUBLIC SUBMISSIONS

Interested parties who wish to address the Special Committee of Council during the Public Submissions period of the Special Committee Meeting must register with the Civic Services Department by telephoning 9262 6337 by 4pm on the day of the meeting.

Persons speaking will be identified and recorded for Council Minutes and become part of a permanent record of the Council. Please indicate if you do not wish your name to be recorded.

Persons wishing to make a submission to the Special Committee on any land use planning matter must directly notify the Committee Clerk, Civic Services Department, at least five working days prior to the day of the meeting and register to speak by telephoning 9262-6337.

5.1 General Submissions

(Other speakers up to 3 minutes each speaker)

5.1.1 Ms R Nicholls, Blackburn spoke in opposition to the development at 4-6 Frankcom Street Blackburn.

5.1.2 Ms J Lewis, Blackburn spoke in opposition to the development at 4-6 Frankcom Street Blackburn.

5.1.3 Mr R Lloyd, Blackburn spoke on the Whitehorse Centre and Budget Surplus.

5.1.4 Ms H Favero, Mont Albert spoke on television reception and aerals in Box Hill.

5.2 Review Of Mayoral And Councillor Allowances - Public Submissions

(Submissions under Section 223 of the Local Government Act 1989 up to 5 minutes each speaker)

Refer to Agenda Item 6.1 and Attachment 1 & 2

- **Ms Diana Yallop**
Submission 2

N.B Ms Yallop submitted an amended submission prior to the meeting and chose not to present to Special Committee of Council.

6 REPORTS FROM OFFICERS

6.1 Review of Mayoral and Councillor Allowances - Public Submissions

FILE NUMBER:
ATTACHMENT

SUMMARY

The purpose of this report is to hear and consider public submissions received in regard to the review process of Mayoral and Councillor allowances as required under the Local Government Act 1989. Two (2) Submissions have been received and are attached.

SPECIAL COMMITTEE RESOLUTION

Moved by Cr Ellis, Seconded by Cr Munroe

That the Special Committee of Council having noted and considered all written submissions in accordance with section 223 of the Local Government Act 1989, refer all submissions to the Ordinary meeting of Council to be held on Monday 20 March 2017 for further consideration and resolution.

CARRIED

BACKGROUND

Section 74(1) of the *Local Government Act 1989* (the Act) requires Councils to "review and determine the level of Mayoral and the Councillor allowances within the period of six months after a general election or by next 30 June, whichever is later."

This review is a public process and any person has a right to make a submission under section 223 of the Act. This review will determine the allowances that will be payable from the range available for the next four years. The Allowances assist the Mayor and Councillors to perform and fulfill their role as a councillor representing the community.

DISCUSSION

Councillor allowances are indexed annually by the State Government under section 73B of the Act, having regard to movements in the levels of remuneration of executives within the meaning of the *Public Administration Act 2004*, with the most recent adjusted by the Minister for Local Government effective from the time of the new Council taking the Oath of Office. The Minister also advised that payment of allowances cannot exceed more than one month in advance.

Whitehorse Council is a Category 3 – and the range for allowances are:

- Part A Mayor up to \$94,641pa
- Councillors \$12,367pa - \$29,630pa

Council at its meeting held on 30 January 2017 resolved of its intention for the purpose of public consultation and submission to set the allowances at the maximum level of the range.

Part B An amount equivalent to the superannuation guarantee – currently 9.5% is an additional component added to the allowance

To date, Whitehorse Council has paid the maximum amount. A quick survey of a number of other metropolitan Councils has revealed that they also pay the maximum level, with the only exception being City of Kingston.

6.1

(cont)

The Mayor is not entitled to receive a Councillor allowance if receiving the Mayoral allowance. Further Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

Councillors can enter into an arrangement to effectively sacrifice their remuneration before they derive these amounts. Such sacrifice arrangements can be made into a complying superannuation fund and be designated before the payment is made.

Council at its Ordinary Council Meeting to be held on Monday 20 March 2017 will consider all submissions and will resolve on the level of what the limit of the allowances will be for the next four years. Council has received two submissions as attached, with one of the submitters wishing to be heard ie. Ms Diana Yallop. Following the publication of the Special Committee of Council Meeting agenda Ms Yallop submitted an amended submission (as per amended attachment 2) and chose not to present to the Special Committee of Council.

Any such changes are effective from the date of the Council Resolution.

CONSULTATION

Consultation was undertaken with other Councils to compare allowances paid.

FINANCIAL IMPLICATIONS

Budget allocation required to meet statutory requirements.

ATTACHMENT

- 1 Submission 1
- 2 Submission 2 (Original)
- 3 Submission 2 (Amended)

7 OTHER BUSINESS

Nil

8 PUBLIC COMMENT

Persons speaking will be identified and recorded for Council Minutes and become part of a permanent record of the Council. Please indicate if you do not wish your name to be recorded.

Nil

9 CONFIDENTIAL ITEMS

Nil

10 CLOSE MEETING

Meeting closed at 8.26pm

Confirmed this 10th day of April 2017

CHAIRPERSON

6 February 2017

Ms N. Duff
CEO
City of Whitehorse
NUNAWADING.

Dear Ms Duff

MAYORAL AND COUNCILLOR ALLOWANCES SUBMISSION

I write in support of the published proposed allowances for the positions of Mayor and Councillor for the City of Whitehorse. As a former Councillor and Mayor, I have a very detailed understanding of the amount of effort that is involved in being a Councillor, and the enormous workload that a Mayor carries.

While I think that the Councillor Allowance should be increased to around \$35,000, I understand that this is not possible as it is the State government that sets the maximum allowance, but it is far less than would be paid in private enterprise for the hours and responsibilities involved.

Mayoral duties take up around 50-60 hours per week, including weekends and evenings, and place a heavy demand on family life. The allowance proposed is again, much less than a similar position in private enterprise, and far less than that paid to a State parliamentarian.

I do not think it necessary to speak to this submission.

Yours sincerely,

HELEN HARRIS, OAM

Order of Australia Medal awarded 1993 for services to community history.
Hon. Life Member Australian Institute of Genealogical Studies.
Hon. Life Member Victoria Police Historical Society.
Founder & Hon. Life Member Avoca & District Historical Society.
Winner of the inaugural VAFFHO Frances Brown Award 2004.
Member Professional. Historians' Association.
Former Councillor & Mayor, City of Whitehorse
National Secretary, Aust. Local Government Women's Association Inc.
Executive Officer, Victorian Branch ALGWA.

7/03/17 Submission to City of Whitehorse re Councillor Allowances

ATTENTION NOELENE DUFF CEO AND MR TONY DE FAZIO Manager Civic Services

I wish to make the following comments about the proposed Councillor Allowances.

1. The publication of the Allowance of \$ 29, 630 in the Age newspaper on February 6 2017 is misleading if it is supposed to reflect the financial support given to elected Councillors. Unlike other municipalities of a similar size, the City of Whitehorse omitted to state that the Councillors also received the equivalent of a 9.5 % contribution to superannuation as part of their remuneration.
2. As advertised by at least one other **Category 3 Council**, the city of Whitehorse omits to inform the residents of Whitehorse that the Local Government Act 1989 states that the allowance should be between \$12,367 K and \$ 29,630.

The Whitehorse Councillors have decided to award themselves the maximum amount of the Councillors allowance possibly in the belief that they provide the maximum quality of Councillors performance service in their role. Essentially if it is thought to be a merit based performance based allowance the Councillors have awarded themselves a Triple A rating in advance for the next 4 years.

3. **Conflict of Interest.** Further to the second point, there is without question a conflict of interest in Councillors themselves deciding on their own allowance within the legislated range. Irrespective of what the Local Government Act legislates , it would seem improper and an Independent Remuneration Panel should be undertaking this role.
4. It is not clear from any source what **purposes the Allowance** is supposed to be used for. If it is a financial reward for being elected a Councillor then why isn't it identified as a "salary " ? Does receiving an Allowance mean that the Councillors are employees of the Council ? The distinction is not clear.

Councillors can claim "out of pocket expenses", the costs of travel to conferences, petrol, information and communication technology (?), associated with being a Councillor can be covered through this entitlement. Interestingly Councillors Expenses claims documented in the Annual Report 2015/2016 show considerable variation in claims between Councillors esp for travel and car mileage.

It is imperative that Councils are transparent about the fundamental purpose and expectations of this allowance . The community expectations of ethical transparent open and honest governance that public funds, ratepayers money is spent in a responsible and appropriate way. It is essential that the range of incidents/ activities/ situations covered by the Indemnity cover accorded to Councillors is publicly known.

5. **As in any employment situation, the amount of Allowance should be governed by the individuals performance** in regards to adhering to the principles of the Council and carrying out the Code of Conduct to the highest standard and public expectations. This expectation applies to “submitting himself or herself to lawful scrutiny “ without retaliation or retribution directed at the resident. In my experience with one particular Councillor, it is my opinion that adherence to the Primary principles of Councillor conduct and General Councillor conduct principles under Section 76 B of the Local Government were questionable . If Councillors are found to have breached the Principles of the City of Whitehorse governance then financial penalties via the Allowance should be considered.

If neither of your Ward Councillors respond to a request for assistance from a resident as happened to me in early 2014, should they be entitled to receive the maximum Allowance for a Category 3 Council ? This equally applies to all Councillors given they have the responsibility and power to vote on important decisions that impact on residents who do not live in their Ward.

In sum, if my experience of the lack of responsiveness and fulfillment of their responsibility as a Councillor of my Ward and the other members of the Council is a reflection of their overall performance then their entitlement to the maximum Allowance for the next 4 years is highly questionable.. This also applies to the low standard of debate, low participation of Councillors in expressing their views and limited interest in the issues being discussed in Council meetings. Meetings I have attended seem to be a matter of getting through the Agenda as quickly as possible.

6. **An Allowance should only be paid to Councillors who are willing to serve all residents of their Ward** fairly , equitably, responsively, confidently in line with every tenet of the Councillor Principles/ Code of Conduct and the CARES framework of Whitehorse Council irrespective of their own personal views , assumptions and fears.

7. **Advantage of incumbent Councillors having an Allowance from their Council role often additional to income from employment in the community which they can draw upon in re election campaigns.**

In the recent City of Whitehorse elections, only one incumbent Councillor contesting the Council elections was defeated and on second preferences. It seems to me the challenges presented to new community members winning a seat on Council no matter how well credentialled are significant. This is particularly the case if you are not aligned with a major political party. However another major challenge is the financial capacity of a new candidate to promote themselves via newspapers advertising, flyers, brochures and so on. In Riversdale Ward this issue was self evident with one of the incumbent candidates in the position to have glossy brochures inserted in local newspaper followed by 2 more flyers letterboxed in the Ward. An extremely expensive exercise . The Councillor Allowance

possibly contributes to their financial ability to being re elected for long periods like having a part time job.

I recognise that it is impossible to create a level playing field in terms of financial equity of contestants in elections but having an Allowance of \$29, 630 confers a considerable advantage on incumbents and probably a factor which militates against achieving new voices and skills and experience in Council.

In conclusion I support Councillors receiving financial remuneration for their role if their performance meets community expectations. Despite my view it is a conflict of interest for Councillors to decide their own Allowance, if they are , as the City of Whitehorse proposes to do, to set it at its highest amount then their performance needs to be of the highest quality.

My experience with the performance and attitude of City of Whitehorse Councillors would not accord with being justified in claiming the maximum Allowance for Councillors in Category 3 Councils. Unless Councillors demonstrate their adherence to the Councillor Code of Conduct and Principles of Whitehorse local governance they should face financial penalties from their Allowance.

Yours Sincerely

Diana Yallop