

**Colac Otway  
SHIRE**

**MINUTES**

**SPECIAL COUNCIL MEETING**

**OF THE**

**COLAC-OTWAY SHIRE**

**COUNCIL**

**9 APRIL 2009**

**at 12.30 pm**

**COPACC Meeting Room  
Rae Street, Colac**

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

***Please Note: That Public Notice of this meeting was not given seven days prior to the meeting, as the date of the Special Meeting of Council was changed. This Special Meeting of Council was advertised in the Colac Herald on 3 April 2009.***

**COLAC-OTWAY SHIRE SPECIAL COUNCIL MEETING**

**9 APRIL 2009**

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MINUTES of the **SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 9 April 2009 at 12.30 pm.

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**1. PRAYER**

*Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.*

**AMEN**

**2. PRESENT**

Cr Brian Crook (Mayor)  
Cr Frank Buchanan  
Cr Stephen Hart  
Cr Stuart Hart  
Cr Geoff Higgins  
Cr Lyn Russell  
Cr Chris Smith

Jack Green, Acting Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services  
Neil Allen, General Manager, Infrastructure & Services  
Doug McNeill, Acting General Manager, Sustainable Planning & Development

Althea Wright, Executive Officer

**3. APOLOGIES**

Nil

**4. MAYORAL STATEMENT**

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

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Thank you, now question time. 30 minutes is allowed for question time.

1. Questions from the floor

## **5. QUESTION TIME**

### **Questions Received Verbally at the Meeting**

Nil

## **6. DECLARATION OF INTEREST**

Nil

## **7. OFFICER'S REPORTS**

### **Corporate and Community Services**

SC090904-1 HEARING OF SUBMISSIONS - PROPOSED MAYORAL AND COUNCILLOR ALLOWANCES

## **8. HEARING OF VERBAL SUBMISSIONS – PROPOSED MAYORAL AND COUNCILLOR ALLOWANCES**

Michael Delahunty Expressed concerns in relation to the proposed Mayoral and Councillor allowances

Glenn Manning Expressed concerns in relation to the proposed Mayoral and Councillor allowances

**SC090904-1 HEARING OF SUBMISSIONS - PROPOSED MAYORAL AND COUNCILLOR ALLOWANCES**

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Corporate and Community Services	FILE REF:	GEN0460

**Purpose**

The purpose of the Special Council Meeting is to hear those who wish to be heard in support of a written submission regarding "Proposed Mayoral and Councillor Allowances."

**Background**

At the Council Meeting held on 25 February 2009 Council resolved:

*"That Council give public notice of its intention to determine at the 22 April 2009 Council meeting the following Mayoral and Councillor allowances for the four year period 1 May 2009 to 30 April 2013 in accordance with section 74 and section 223 of the Local Government Act 1989 (as amended):*

- a) Mayoral Allowance - \$59,100*
- b) Councillor Allowance - \$19,700 "*

Advertisements were placed in the Colac Herald on Monday 2 March 2009 as well as other local newspapers.

The advertisement advised that written submissions would be received until 5 pm on Monday, 30 March 2009.

In accordance with section 223 of the *Local Government Act 1989* any person who has made a written submission to the Council and requested that he or she be heard in support of the written submission is entitled to appear in person or by a person acting on his or her behalf.

The Special Meeting of Council was included in the advertisement in the Colac Herald of Monday 2 March 2009 for the meeting to be held at 1.00 pm, Wednesday 8 April at COPACC. Due to the unavailability of Councillors on that day, the Special Council Meeting was changed to 12.30 pm on Thursday 9 April and this change was advertised in the Colac Herald on Friday 3 April 2009.

Seven submissions have been received. (Copies of all submissions have been provided to Councillors).

Two submitters have indicated that they wish to be heard in support of their written submission.

Letters have been written to the submitters advising of the change in the Special Meeting time and also advising them that the matter will then be considered by Council at the 22 April Council meeting to be held in Apollo Bay.

**Council Plan/Other Strategies/Policy**

The Councillor Support Policy sets out details with respect to Councillor support.

**Issues/Options**

The *Local Government Act* states that a Council must review and determine the level of the Councillor and Mayoral Allowance within the period of 7 months after a general election. Prior to adopting the allowances Councillors are required to undertake a public consultation process under section 223 of the Act.

**Proposal**

That Council hear those submitters who wish to be heard in support of their written submission at this Special Meeting of 9 April 2009 as per Section 223 of the Local Government Act.

**Financial and other Resource Implications**

The 2009/10 budget will incorporate the allowances that are set for Councillors and the Mayor.

**Risk Management & Compliance Issues**

The *Local Government Act* sections 73 to 75 and section 223 detail provisions relating to allowances and the submission process.

**Environmental Considerations**

Not applicable

**Communication Strategy/Consultation**

As noted advertisements seeking submissions were placed in the Colac Herald on 2 March 2009 as well as other local newspapers. Date for submissions closed on 30 March 2009.

This meeting to hear submissions was advertised in the Colac Herald on Friday 3 April 2009 as outlined earlier in this report.

**Implementation**

Council will consider the adoption of the allowances at the Council Meeting on 22 April 2009.

**Conclusion**

Council is required to hear those submitters who wish to be heard in support of their written submission and an opportunity for this to occur has been provided at this Special Meeting of Council.

**Attachments**

Nil

**Recommendation(s)**

- 1. That Council note that seven (7) written submissions have been received in response to the public advertisements on the Mayoral and Councillor allowances being fixed and set for the next four financial years.***
- 2. That Council hear submissions from those who have indicated that they wish to be heard in response to the public advertisement on the Mayoral Councillor allowances being fixed and set for the next four financial years.***
- 3. That a report including a summary of matters raised by the submitters be presented to the Council meeting on 22 April 2009.***

4. ***That Council formally consider the adoption of the Mayor and Councillor allowances being fixed and set for the next four financial years at the Council meeting on 22 April 2009.***

**Resolution**

***MOVED Cr Stephen Hart seconded Cr Buchanan***

1. ***That Council note that seven (7) written submissions have been received in response to the public advertisements on the Mayoral and Councillor allowances being fixed and set for the next four financial years.***
2. ***That Council hear submissions from those who have indicated that they wish to be heard in response to the public advertisement on the Mayoral Councillor allowances being fixed and set for the next four financial years.***
3. ***That a report including a summary of matters raised by the submitters be presented to the Council meeting on 22 April 2009.***
4. ***That Council formally consider the adoption of the Mayor and Councillor allowances being fixed and set for the next four financial years at the Council meeting on 22 April 2009.***

***CARRIED 7 : 0***

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