



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 16 May 2023**

**Date: Tuesday, 16 May 2023**

**Time: 4:00pm**

**Location: Council Chamber  
110 Massingham Street  
Kellerberrin WA 6410**

**Order Of Business**

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**MINUTES OF SHIRE OF KELLERBERRIN  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410  
ON TUESDAY, 16 MAY 2023 AT 4:00PM**

**1 DECLARATION OF OPENING**

The presiding member opened the meeting at 4:04pm

**2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**

**3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**PRESENT:**

Matt Steber (President),  
Cr Emily Ryan (Deputy President),  
Cr Rod Forsyth,  
Cr David Leake,  
Cr Dennis Reid,  
Cr Monica Gardiner,  
Cr Kelsey Pryer

**IN ATTENDANCE:**

Raymond Griffiths (Chief Executive Officer),  
Codi Brindley-Mullen (Manager of Governance)

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

**4 DECLARATION OF INTEREST**

Note: Under Section 5.60 – 5.62 of the Local Government Act 1995, care should be exercised by all Councillors to ensure that a “financial interest” is declared and that they refrain from voting on any matters which are considered may come within the ambit of the Act.

A Member declaring a financial interest must leave the meeting prior to the matter being discussed or voted on (unless the members entitled to vote resolved to allow the member to be present). The member is not to take part whatsoever in the proceedings if allowed to stay.

Cr Pryer -

**5 PUBLIC QUESTION TIME**

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time. The length of time an individual can speak will be determined at the President’s discretion.

**5.1 Response to Previous Public Questions taken on Notice**

**QUESTION**

Neville Tiller - Why are the public allowed to use a portion of the laneway Lot 66 Restdown Street laneway?

**RESPONSE**

Council is currently seeking legal advice regarding the question raised by Mr Neville Tiller.

**5.2 Public Question Time**

**6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES****6.1 MINUTES OF THE COUNCIL MEETING HELD ON 18 APRIL 2023**

**File Ref:** MIN  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Council Meeting held on 18 April 2023

**HEADING****STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 18 April 2023 be received as a true and correct record of the meeting.

**COUNCIL RESOLUTION**

**MIN 043/23**      **MOTION - Moved Cr. Forsyth**      **Seconded Cr. Leake**

*That the Minutes of the Council Meeting held on 18 April 2023 be received as a true and correct record of the meeting.*

**CARRIED 7/0**

**7 PRESENTATIONS**

**7.1 Petitions**

**7.2 Presentations**

**7.3 Deputations**

**8 REPORTS OF COMMITTEES**

Nil

## 9 CORPORATE SERVICES REPORTS

### 9.1 STATUS REPORT OF ACTION SHEET

**File Ref:** Various  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

#### BACKGROUND

Council at its March 2017 Ordinary Meeting of Council discussed the use of Council's status report and its reporting mechanisms.

Council therefore after discussing this matter agreed to have a monthly item presented to Council regarding the Status Report which provides Council with monthly updates on officers' actions regarding decisions made at Council.

It can also be utilised as a tool to track progress on Capital projects.

#### STAFF COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

The concept of the report will be that every action from Council's Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

This provides Council with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

#### TEN YEAR FINANCIAL PLAN

There is no direct impact on the long term financial plan.

#### FINANCIAL IMPLICATIONS

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

#### STATUTORY IMPLICATIONS

NIL know at this time.

#### STAFF COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

The concept of the report will be that every action from Council's Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the

item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

This provides Council with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

## **TEN YEAR FINANCIAL PLAN**

There is no direct impact on the long term financial plan.

## **FINANCIAL IMPLICATIONS**

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

## **STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

- (1) The council —
  - (a) Directs and controls the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and



- (e) performs such other functions as are given to a councillor by this Act or any other written law.

#### 5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

*[Section 5.60 inserted by No. 64 of 1998 s. 30.]*

#### 5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

#### 5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
  - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No. 64 of 1998 s. 30.]*

#### 5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

#### 5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
  - (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or

- (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
- (ca) the person belongs to a class of persons that is prescribed; or
- (d) the person is a body corporate —
  - (i) of which the relevant person is a director, secretary or executive officer; or
  - (ii) in which the relevant person holds shares having a total value exceeding —
    - (I) the prescribed amount; or
    - (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
  - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
  - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
  - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
  - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

**notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

**value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

*[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

#### 5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
  - (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or

- (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
- [(e) deleted]*
- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

**[5.64. Deleted by No. 28 of 2003 s. 112.]**

**5.65. Members' interests in matters to be discussed at meetings to be disclosed**

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

#### 5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

#### 5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

#### 5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

## 5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
  - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69 amended by No. 49 of 2004 s. 53.]*

## 5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

## 5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —  
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.  
Penalty: \$10 000 or imprisonment for 2 years.

**5.71. Employees to disclose interests relating to delegated functions**

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

**STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Manager Works and Services
- Council Staff
- Council
- Community Members.

**STAFF RECOMMENDATION**

*That Council receive the status report.*

**COUNCIL RESOLUTION**

**MIN 044/23**

**MOTION - Moved Cr. Pryer**

**Seconded Cr. Reid**

***That Council receive the status report.***

**CARRIED 7/0**

**9.2 2023 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) HONOURS PROGRAM**

**File Ref:** ADM  
**Author:** Matt Steber, President  
**Authoriser:** Matt Steber, President  
**Attachments:** Nil

**BACKGROUND**

Council's April 2014 Ordinary Meeting of Council.

**MIN 39/14 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Daley

*That Council:*

- 1. Nominates Mr Stan McDonnell for the Merit Award on the basis of his ten years' service to Council, the last four of which were as Shire President for the Shire of Kellerberrin.*
- 2. Nominates Mr Thomas Applegate for the Local Government Distinguished Officer Award on the basis of 47 years' service to the Shire's of Kellerberrin and Tammin.*

CARRIED 7/0

Council's March 2009 Ordinary Meeting of Council

**MIN 65/09 MOTION** - Moved Cr. Doncon 2<sup>nd</sup> Cr. Bee

That Council declines to make any nomination for inclusion in WALGA 2009 Honours Program.

CARRIED 5/0

Council's March 2008 Ordinary Meeting of Council

**MIN 26/08 MOTION** - Moved Cr. McDonnell 2<sup>nd</sup> Cr. Bee

*That Council declines any nominations this year.*

**STAFF COMMENT**

The 2023 Local Government Honours Program will recognise WA Local Government officers and Elected Members for their individual service to WALGA and the Local Government sector by the award of the following Honours:

- Local Government Medal
- Life Membership
- Eminent Service Award
- Merit Award
- Local Government Distinguished Officers Award
- Troy Pickard Young Achievers Award

Nominations close at 5:00pm on Friday, 9 June 2023

**Local Government Medal**

AWARD CRITERIA Presented in recognition of:

- Exceptional service which advances the goals of WALGA and the Local Government sector;
- Exemplary character and ongoing championing of the Local Government sector;
- Significant contributions to the community through Local Government;
- Outstanding achievements and significant contributions in the advancement of the position and value of WALGA and/or Local Government within the wider community.

**Life Membership**

AWARD CRITERIA Presented in recognition of:

- Outstanding service to WALGA and / or the Local Government sector over a significant\* period of time.
- Outstanding character and commitment to Local Government.
- Distinguished contributions to the community through Local Government.

*\*Please note: "significant" in the above criteria is intended to mean "sufficiently great or important to be worthy of attention"*

**Eminent Service Award**

AWARD CRITERIA Presented in recognition of:

- Distinguished contributions to WALGA, Local Government and / or the Local Government sector.
- Demonstrated leadership and commitment to Local Government.

**Merit Award**

AWARD CRITERIA Presented in recognition of:

- Notable contributions to WALGA, Local Government and / or the Local Government sector.
- Loyal service to WALGA, Local Government and / or the Local Government sector.
- Distinguished service and commitment to the community.

**Local Government Distinguished Officers Award**

AWARD CRITERIA Presented in recognition of:

- Outstanding contributions to the Local Government sector.
- Demonstrated leadership.
- Outstanding achievements in the advancement of the Local Government sector.

**Troy Pickard Young Achievers Award**

AWARD CRITERIA Presented in recognition of:



- Notable contributions to Local Government, and / or the Local Government sector.
- Commitment to Local Government.
- Demonstrated leadership.
- Commitment to continual self-development and professional learning.

## TEN YEAR FINANCIAL PLAN

NIL

## FINANCIAL IMPLICATIONS

NIL

## STATUTORY IMPLICATIONS

NIL

## STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Council

## STAFF RECOMMENDATION

That Council nominates:

1. Scott O'Neill for the Merit Award on the basis of his fifteen (15) years' service to Council, and serving as Shire President for the Shire of Kellerberrin; and
2. Codi Brindley-Mullen for the Troy Pickard Young Achievers Award on the basis of commitment to Local Government, demonstrated leadership and commitment to continual self-development and professional learning.

## COUNCIL RESOLUTION

MIN 045/23

MOTION - Moved Cr. Ryan

Seconded Cr. Leake

***That Council nominates:***

1. ***Scott O'Neill for the Merit Award on the basis of his fifteen (15) years' service to Council, and serving as Shire President for the Shire of Kellerberrin; and***
2. ***Codi Brindley-Mullen for the Troy Pickard Young Achievers Award on the basis of commitment to Local Government, demonstrated leadership and commitment to continual self-development and professional learning.***

**CARRIED 7/0**

**9.3 AUTHORISED & REGISTRATION OFFICERS**

**File Ref:** ENG01  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Authorised Officers 2023 (under separate cover)

**BACKGROUND**

To authorise employees to act on behalf of Council as an Authorised and/or Registration Officer of Council.

**STAFF COMMENT**

Council annually reviews the Authorised and Registration Officers for Council to act on behalf of Council under the provision of the provided Legislation.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

Cost of advertising within the Government Gazette

**STATUTORY IMPLICATIONS**

The following legislation is referred to for Council's Authorised and Registration Officers;

- Caravan Park and Camping Ground Act 1995
- Shire of Kellerberrin Cemetery Local Law 2003
- Local Government Property Local Law 2006
- Local Government Act 1995
- Litter Act 1979
- Control of Vehicles (Off-Road Areas) Act 1978
- Bush Fires Act 1954
- Cat Act 2011
- Dog Act 1976
- Local Government (Miscellaneous Provisions) Act 1960
- Food Act 2008
- Building Act 2011

**STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

**STAFF RECOMMENDATION**

That Council;

1. revokes all previous Authorised and Registration Officer Schedules;
2. adopts the Authorised Officers Schedule as presented; and
3. adopts the Registration Officers Schedule as presented

**COUNCIL RESOLUTION**

**MIN 046/23**

**MOTION - Moved Cr. Reid**

**Seconded Cr. Forsyth**

***That Council;***

- 1. revokes all previous Authorised and Registration Officer Schedules;***
- 2. adopts the Authorised Officers Schedule as presented; and***
- 3. adopts the Registration Officers Schedule as presented***

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**

**9.4 DELEGATED AUTHORITY REVIEW TO CEO**

**File Ref:** SAFE  
**Author:** Codi Brindley-Mullen, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Delegated Authority to CEO (under separate cover)

**BACKGROUND**

The Local Government Act 1995 as amended, the associated Regulations and the Compliance Audit Return requires the Local Government to review its delegation of Powers/Authority to the Chief Executive Officer, at least once in every twelve (12) months and then for the Chief Executive Officer to review his Delegation of Authority to identified Senior Staff and Management Staff within the same review period.

June 2022 Council Meeting

**MIN 001/22 MOTION - Moved Cr. Reid Seconded Cr. Steber**

*That Council in accordance with section 5.42 of the Local Government Act 1995 as amended and sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;*

- 1. adopt the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer,*
- 2. the delegations remain in place until the next Delegations Review has been completed.*
- 3. Cancel all previous Delegations to the Chief Executive Officer.*

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**

June 2021 Council Meeting

**MIN108/21 MOTION - Moved Cr. McNeil Seconded Cr. O'Neill**

*That Council:*

- 1. in accordance with section 5.42 of the Local Government Act 1995 as amended;*
- 2. in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;*
- 3. adopts the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
- 4. Cancel all previous Delegations to the Chief Executive Officer.*

**CARRIED BY 7/0**

**ABSOLUTE MAJORITY**

June 2020 Council Meeting
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**MIN 086/20      MOTION - Moved Cr. McNeil      Seconded Cr. Ryan**

***That Council:***

- 1. in accordance with section 5.42 of the Local Government Act 1995 as amended;***
- 2. in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;***
- 3. adopts the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 4. Cancel all previous Delegations to the Chief Executive Officer***

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

June 2019 Council Meeting
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**MIN107/19      MOTION - Moved Cr. Reid      2nd Cr. McNeil**

***That Council:***

- 1. in accordance with section 5.42 of the Local Government Act 1995 as amended***
- 2. in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,***
- 3. the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 4. Cancel all previous Delegations to the Chief Executive Officer.***

**CARRIED 6/0  
BY ABSOLUTE MAJORITY**

**STAFF COMMENT**

The proposed delegations are summarised as per the enclosed Delegations Schedule and has been presented on the basis of;

1. Statutory Requirement to do so under the Local Government Act 1995 associated Regulations of the Local Government Act 1995, the Bush Fires Act 1954 and the Compulsory Annual Compliance Audit Return.
2. For continued and efficient Management of daily Functions of the Staff to completing Business and Administrative requirements of the Council.
3. The proposed Delegations are in accordance with Local Government Industry Standards of a Local Government Operation of this size.
4. The attached Delegations Schedule has been amended to include Local Government Act changes and associated Regulations changes to keep the list at a minimum standard for efficient and effective management of Councils daily business requirements and in accordance with the statutory functions of the Council and that of the Chief Executive Officer.

The delegation register provided includes new delegations issued to the Manager of Governance under the current structure in operation. The delegation for a Deputy Chief Executive Officer remains in the register at this point and should the current structure remain in place as a permanent option this can be reviewed at the next Delegation review.

**TEN YEAR FINANCIAL PLAN**

NIL known at this time

**FINANCIAL IMPLICATIONS**

NIL known at this time

**STATUTORY IMPLICATIONS****Local Government Act 1995 (as amended)****5.41. Functions of CEO**

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

*\* Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

*[Section 5.42 amended by No. 1 of 1998 s. 13.]*

**5.43. Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;

- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

*[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]*

#### 5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —  
**conditions** includes qualifications, limitations or exceptions.

*[Section 5.44 amended by No. 1 of 1998 s. 14(1).]*

#### 5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

#### 5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

**Bush Fires Act 1954****7. Interpretation**

(1) In this Act unless the context otherwise indicates or requires —

**adjoining**, when used with respect to 2 or more pieces of land, extends to pieces of land which are separated only by a road or roads or by a railway or by a water-course;

**authorised CALM Act officer** means a wildlife officer, forest officer, ranger or conservation and land management officer who is authorised for the purposes of section 45(3a) of the *Conservation and Land Management Act 1984*;

**Authority** means the Fire and Emergency Services Authority of Western Australia established by section 4 of the FESA Act;

**bush** includes trees, bushes, plants, stubble, scrub, and undergrowth of all kinds whatsoever whether alive or dead and whether standing or not standing and also a part of a tree, bush, plant, or undergrowth, and whether severed therefrom or not so severed. The term does not include sawdust, and other waste timber resulting from the sawmilling of timber in a sawmill whilst the sawdust and other waste timber remains upon the premises of the sawmill in which the sawmilling is carried on;

**bush fire brigade** means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

**CALM Act CEO** has the meaning given to “CEO” by section 3 of the *Conservation and Land Management Act 1984*;

**CALM Act Department** has the meaning given to “Department” by section 3 of the *Conservation and Land Management Act 1984*;

**Chief Executive Officer** means the person holding, acting in, or otherwise discharging the duties of, the office of chief executive officer of the Authority, as referred to in section 19 of the FESA Act;

**forest land** means State forest and timber reserves within the meaning of the *Conservation and Land Management Act 1984* and any land to which section 131 of that Act applies;

**member of the Authority** means a member of the board of management referred to in section 6 of the FESA Act;

**occupier of land** means, subject to subsection (2), a person residing on the land or having charge or control of it, whether the person is the owner or tenant or a bailiff, servant, caretaker, or other person residing or having charge or control of the land and includes a person who as mortgagee in possession has possession of the land, while the land is unoccupied, and also a person who has the charge or control of 2 or more separate parcels of land, although the person resides on only one of the parcels;

**prohibited burning times** means the times of the year during which it is declared by the Minister under section 17 to be unlawful to set fire to the bush within a zone of the State and, in relation to any land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated or in respect of that land in particular;

**restricted burning times** means the times of the year during which it is declared by the Authority under section 18 to be unlawful to set fire to the bush within a zone of the State except in accordance with a permit obtained under that section and with the



conditions prescribed for the purposes of that section and, in relation to land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of that part of that zone, or the district or part of a district, in which that land is situated;

**the FESA Act** means the *Fire and Emergency Services Authority of Western Australia Act 1998*.

- (2) Subject to section 33(9), a reference in this Act to an owner or occupier of land does not include a reference to a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land.

#### 10. Powers of Authority

- (1) The Authority shall —
  - (a) report to the Minister as often as it thinks expedient so to do on the best means to be taken for preventing or extinguishing bush fires;
  - (b) perform and undertake such powers and duties as may be entrusted to it by the Minister;
  - (c) subject to the general control of and direction by the Minister, be responsible for the administration of this Act;
  - (d) recommend to the Minister the prohibited burning times to be declared for the whole or any part of the State;
  - (e) carry out such fire prevention measures as it considers necessary;
  - (f) carry out research in connection with fire prevention and control and matters pertaining to fire prevention and control;
  - (g) conduct publicity campaigns for the purpose of improving fire prevention measures.
- (2) The Authority may —
  - (a) recommend that the Chief Executive Officer appoint and employ such persons as the Authority considers necessary for carrying out the provisions of this Act;
  - (b) organise and conduct bush fire brigade demonstrations and competitions and provide prizes and certificates for presentation to bush fire brigades and competitors;
  - (c) pay the expenses of bush fire brigades attending bush fire brigade demonstrations.

[Section 10 amended by No. 65 of 1977 s. 7; No. 42 of 1998 s. 8 and 16.]

#### 12. Appointment of bush fire liaison officers

- (1) The Chief Executive Officer may, on the recommendation of the Authority and with the approval of the Minister, appoint persons under section 20 of the FESA Act to be bush fire liaison officers for the purposes of this Act.
- (2) Any person who was a bush fire warden immediately before the coming into operation of section 9 of the *Bush Fires Act Amendment Act 1977*<sup>1</sup> shall be deemed to have been appointed to be a bush fire liaison officer under subsection (1).

[Section 12 inserted by No. 65 of 1977 s. 9; amended by No. 42 of 1998 s. 10.]

**14. Members of the Authority and other persons may enter land or buildings for purposes of the Act**

- (1) A member of the Authority, an officer who is authorised by the Authority so to do, a bush fire liaison officer and a bush fire control officer, appointed in accordance with the provisions of this Act, and, subject to the proviso to this section, a member of the Police Force, is empowered to enter any land or building at any time to —
- (a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;
  - (b) examine a fire which he believes is not under proper control;
  - (c) examine fire-breaks on the land;
  - (d) examine anything which he considers to be a fire hazard existing on the land;
  - (e) investigate the cause and origin of a fire which has been burning on the land or building;
  - (f) inspect fire precaution measures taken on the land;
  - (g) investigate and examine the equipment of a bush fire brigade;
  - (h) do all things necessary for the purpose of giving effect to this Act.

Provided that a member of the Police Force is not empowered under this section to enter any land or building for any purpose other than those specified in paragraphs (a), (b) and (e).

- (2) A bush fire liaison officer or a member of the Police Force exercising the power conferred by subsection (1)(e) may remove from the land or building, and keep possession of, anything which may tend to prove the origin of the fire.

*[Section 14 amended by No. 11 of 1963 s. 5; No. 65 of 1977 s. 11 and 47; No. 60 of 1992 s. 8; No. 42 of 1998 s. 16; No. 38 of 2002 s. 20.]*

*[Divisions 3 and 4 (s. 15-16E) deleted by No. 42 of 1998 s. 11(1).]*

**Part III — Prevention of bush fires**

*[Division 1 deleted by No. 65 of 1977 s. 12.]*

**Division 2 — Prohibited burning times****17. Prohibited burning times may be declared by Minister**

- (1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
- (2) Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (3) A copy of the *Gazette* containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
- (4) Where the Authority considers that burning should be carried out on any land, the Authority may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as it thinks fit and specifies and subject to such conditions as may be prescribed or as it thinks fit and specifies.
- (5) The Authority may authorise a person appointed by it to regulate, permit or define the class of burning that may be carried out, and the times when and conditions under which

a fire may be lit, on the land referred to in subsection (4) during the period of suspension granted under that subsection.

- (6) In any year in which the Authority considers that seasonal conditions warrant a variation of the prohibited burning times in a zone of the State the Authority may, by notice published in the *Gazette*, vary the prohibited burning times in respect of that year in the zone or a part of the zone by —
  - (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
  - (b) imposing a further period of prohibited burning times.
- (7)(a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
  - (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
  - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
  - (a) the local government —
    - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
    - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
    - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
  - (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
    - (i) to rescind the variation; or
    - (ii) to modify the variation in such manner as is specified in the notice;
  - (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
    - (i) rescind or modify the variation as directed in the notice; and
    - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (9) For the purposes of subsections (7) and (8) **publish** means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.

- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
- (11) A local government may by resolution revoke a delegation it has given under subsection (10) and no delegation so given prevents the exercise and discharge by the local government of its powers and duties under subsections (7) and (8).
- (12) Subject to this Act a person who sets fire to the bush on land within a zone of the State during the prohibited burning times for that zone is guilty of an offence.  
Penalty: \$10 000 or 12 months' imprisonment or both.

*[Section 17 inserted by No. 65 of 1977 s. 13; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 21 and 40(1).]*

#### Division 3 — Restricted burning times

#### 18. Restricted burning times may be declared by Authority

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.
- (2) The Authority may, by notice published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.
- (3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (4) A copy of the *Gazette* containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.
- (4a) In any year in which the Authority considers that seasonal conditions warrant a variation of the restricted burning times in a zone, or part of a zone, of the State the Authority may, by notice published in the *Gazette*, vary the restricted burning times in respect of that year in the zone or part of the zone by —
  - (a) shortening, extending, suspending or reimposing a period of restricted burning times; or
  - (b) imposing a further period of restricted burning times.
- (5)(a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
  - (i) vary the restricted burning times in respect of that year in the district or a part of the district by —
    - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
    - (B) imposing a further period of restricted burning times;or
  - (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of —

- (i) shortening the restricted burning times by; or
  - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.
- (c) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.
- (d) For the purposes of this subsection **prescribed condition** includes the requirement of subsection (6)(a).
- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
  - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
  - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
  - (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
  - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
  - (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
  - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
  - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
- (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and

for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.

- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4 500.

For a second or subsequent offence \$10 000.

*[Section 18 inserted by No. 65 of 1977 s. 14; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 22, 39 and 40(1).]*

## **Part V — Miscellaneous**

### **48. Delegation by local governments**

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
- (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
  - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

*[Section 48 inserted by No. 38 of 2002 s. 35.]*

### **50. Records to be maintained by local governments**

- (1) A local government shall maintain records containing the following information —
- (a) the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;
  - (b) where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;
  - (c) particulars of the nature, quantity, and quality of the bush fire fighting equipment and appliances which are generally available within the district of the local government for use in controlling and extinguishing bush fires.
- (2) The Governor may make regulations —
- (a) requiring an owner or occupier of land to notify the local government in whose district the land is situated of the occurrence of any bush fire on the land;
  - (b) requiring a local government to send to the Authority particulars of losses caused by bush fires in its district;
  - (c) prescribing the times at or within which, and the manner in which, the requirements of the regulations shall be complied with;
  - (d) imposing a maximum penalty of \$1 000 for any breach of the regulations.

*[Section 50 amended by No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 39; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 39.]*

## Compliance Audit Report

Annual endorsement and certification, that the process of Council and CEO has reviewed its delegated authority respectively.

## STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

## STAFF RECOMMENDATION

*That Council in accordance with section 5.42 of the Local Government Act 1995 as amended and sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;*

1. *adopt the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer,*
2. *the delegations remain in place until the next Delegations Review has been completed.*
3. *Cancel all previous Delegations to the Chief Executive Officer.*

## COUNCIL RESOLUTION

**MIN 047/23      MOTION - Moved Cr. Pryer      Seconded Cr. Ryan**

***That Council in accordance with section 5.42 of the Local Government Act 1995 as amended and sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954;***

1. ***adopt the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer,***
2. ***the delegations remain in place until the next Delegations Review has been completed.***
3. ***Cancel all previous Delegations to the Chief Executive Officer.***

**CARRIED 7/0**

**BY ABSOLUTE MAJORITY**

**9.5 2023/2024 RATE PROVISIONS**

**File Number:** FIN04

**Author:** Brett Taylor, Senior Finance Officer

**Authoriser:** Raymond Griffiths, Chief Executive Officer

**Attachments:**

1. Rates Comparison Report 2023-24 (under separate cover)
2. Rates Model 23.24 3% Increase (under separate cover)

**BACKGROUND**

Council, under the *Local Government Act 1995 (as amended)* Section 6.45, may elect to review and consider for adoption the following:

**Rate Instalments**

Council can offer to their ratepayers the option to pay their rates by four (4) equal or nearly equal, instalments or such other method of payment by instalments as is set in Council's Budget.

The first instalment of any instalment plan becomes due and payable on the same date those rates paid by a single payment become due and payable. Council is still able to offer incentives to ratepayers who pay their rates in full early (by the first instalment date).

**Rubbish Charges**

Ratepayers will not be entitled to pay rubbish charges by instalments, but if Council wished to extend the facility by using its general powers, it could do so.

**Interest and Administration Charges***Interest on Instalments*

Council is able to charge an interest and administration charge to offset the loss of investment opportunity and the cost of additional administrative requirements. This is not to be confused with penalty interest, which can be applied to any instalment not paid by the due date. The maximum rate of interest under the *Local Government Act Section 6.45 (3) noted in Financial Management Regulation 68* is 5.5%.

*Interest Penalties*

Interest on late payments will accrue after the date the payment falls due on the rate notice if no election is made to pay by instalments. Where an election has been made to pay by instalments, interest will accrue from the day after an instalment is due and payable until the day before the instalment is paid but will apply only to the amount of the overdue instalment.

The maximum rate of interest under *Local Government Act Section 6.51* noted in *Financial Management Regulation 70* is 7%.



**Council has previously:****Administration Charge**

In determining the administration recovery related to instalment plans the local government is;

- to have regard to the cost of providing the additional administration and Instalment reminder notices;
- to consider the administration charge as a full or partial reimbursement of the costs involved;
- without intent to profit from the administration charges adopted.

*Instalments Not Available if Payment in Arrears*

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

*Instalments Not Available for Small Amounts*

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than the minimum rate.

*Discounts*

Council under section 6.46 of the *Local Government Act 1995* (as amended) when imposing a rate or service charge, may resolve by absolute majority to grant a discount or other incentive for the early payment of any rate or service charge.

*2022/2023 Rates Review*

In 2022/2023 Council offered the following incentives for early payment of rates within the discount period.

1. Discount

NIL

2. Prizes for early payment of rates

Ratepayers paying their rates within the discount period went into a draw to win various prizes being donated to Council including accommodation packages and passes.

Cost to Council - \$0.00

3. Instalments Revenue

	Actual Revenue 2022/2023 Year to Date	Budget Revenue 2023/2024
Instalment Interest	\$5,764.22	\$6,500.00
Administration Fee	\$1,690.00	\$2,000.00

4. Non-payment Penalty

Non-payment penalty interest received during the 2022/23 year was \$8,141.52 year to date compared to \$9,220.32 during the 2021/2022.

**STAFF COMMENT*****Rate Increase***

Council's Management in accordance with the Long Term Financial Plan have developed a Rate Model with an overall increase of 3.0%.

The 3.0 percent increase incorporates the following:

- 6.0% Increase in the Rate in Dollar for GRV
- 17.00% Decrease in the Rate in Dollar for UV
- 24.06% Increase in UV Valuations from Valuer General

**Valuation and Rate Model Summary**

Below is a table the represents the Valuation Changes for the Shire of Kellerberrin.

Rate	20/21	21/22	22/23	23/24
GRV	\$ 3,938,905	\$ 3,957,335	\$ 3,846,645	\$ 3,749,613
UV	\$ 77,884,405	\$ 88,939,900	\$ 104,764,400	\$ 129,937,400
Mining	\$ 2,805	\$ 14,895	\$ 69,169	\$ 143,060
Non-Rateable	\$ 170,581	\$ 161,771	\$ 268,301	\$ 371,885
<b>TOTAL</b>	<b>\$ 81,896,696</b>	<b>\$ 93,073,901</b>	<b>\$ 108,948,515</b>	<b>\$ 134,201,958</b>

Over the last five years Council has increased rates as follows;

2023/24 2.98%

2022/23 4.50%

2021/22 4.76%

2020/21 0.00%

2019/20 4.51 %

2018/19 5.22%

Please note Council's administration has provided what they believe is the preferred option though Council can modify the recommendation should they see the requirement to do so.

***Rate Instalments***

Council in previous years elected to offer electors the opportunity of paying via 4 options:

- Payment in Full or
- Payment via 2 equal instalments or
- Payment via 4 equal instalments.
- Enter into a formal "Special Payment Arrangement

***Interest of Instalments***

Council in previous years elected to charge 5.5% Interest on Instalments when electors choose to pay via the above instalments with the limit set at 5.5% as per the Act.

***Interest Penalties***

Council in previous years elected to charge 7% penalty interest on rates that remain outstanding past the due date (35 days).

**Proposed Payment Options:**

1. Pay in full prior to the due date and be eligible for the discount (if applicable) and incentive prize draw
2. Pay by 2 equal instalments
3. Pay by 4 equal instalments or
4. Enter into a formal 'Special Payment Arrangement'

All other properties that remain unpaid or have not opted to do any of the above would incur interest at 7% after the due date.

**Administration Charges**

Council last year elected to charge \$5 per instalment as an administration charge in offering the instalment option. There is no minimum or maximum for the administration charge though it states that the charges are for reimbursement of expenses not for raising of profits.

- Payment via 2 instalments - \$ 5.00
- Payment via 4 instalments - \$15.00

**Discount / Prizes**

2019/20 Council removed the Discount for early payment of rates, however Council offered incentive prizes at no cost to Council to provide an incentive for people to pay rates in full within the discount period.

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2023/24 Budget

Council has elected as per above to charge;

- Instalment Interest
- Administration Fee on Instalments
- Interest on Overdue rates if rates are still outstanding 35 days from issue date at a rate of 7%.

**STATUTORY IMPLICATIONS –**

Local Government Act 1995 (as amended)

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
  - (b) a purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.

- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

#### 6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
  - (a) 4 equal or nearly equal instalments; or
  - (b) Such other method of payment by instalments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
  - (a) By a single payment; or
  - (b) By such instalments as are remaining under subsection (1) (a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
  - (a) Provide for the manner of making an election to pay by instalments under subsection (1) or (2);
  - (b) Prescribe circumstances in which payments may or may not be made by instalments;
  - (c) Prohibit or regulate any matters relating to payments by instalments;
  - (d) Provide for the time when, and manner in which, instalments are to be paid;
  - (e) Prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
  - (f) Provide for any other matter relating to the payment of rates or service charges.

#### 6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve\* to grant a discount or other incentive for the early payment of any rate or service charge.

*\* Absolute majority required*

#### 6.50. Rates or service charges due and payable

- (1) Subject to —
  - (a) subsections (2) and (3);
  - (b) any concession granted under section 6.47; and
  - (c) the *Rates and Charges (Rebates and Deferments) Act 1992*,a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.
- (3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

#### 6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on —
  - (a) a rate or service charge (or any instalment of a rate or service charge); and
  - (b) any costs of proceedings to recover any such charge,that remains unpaid after becoming due and payable.

*\* Absolute majority required.*
- (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
- (3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) If a person is entitled under the *Rates and Charges (Rebates and Deferments) Act 1992* or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —
  - (a) no interest is to accrue in respect of that rate or service charge payable by that person; and
  - (b) no additional charge is to be imposed under section 6.45(3) on that person.

- (5) Regulations may provide for the method of calculation of interest.

[Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

**TEN YEAR FINANCIAL PLAN**

	3	4	5	6	7	8	9	10	11	12	13	14	15
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Rates	5.00%	4.50%	4.50%	4.50%	4.50%	3.00%	3.00%	3.00%	3.00%	3.00%	2.50%	2.50%	2.50%

Council's Long Term Financial Plan indicated that Rates Levied for 2023/2024 equated to \$2,557,809 being \$44,201 over the amount the Council is proposing to rate in the 2023/24 financial year as per attached model.

Council's plan indicated that a 3.0% increase was to occur this financial year.

**STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer

**STAFF RECOMMENDATION**

*That Council endorses the following rating information and charges to be incorporated into the 2023/2024 draft budget;*

1. Option

*Option A - One Payment*

*Due By 1<sup>st</sup> September 2023*

*Option B – 2 Instalment Option*

*50% due 1<sup>st</sup> September 2023*

*50% due 12<sup>th</sup> January 2024*

*Option C – 4 Instalment Option*

*25% due 1<sup>st</sup> September 2023*

*25% due 3<sup>rd</sup> November 2023*

*25% due 12<sup>th</sup> January 2024*

*25% due 15<sup>th</sup> March 2024*

*Option D – Special Arrangement*

*Arrangements made prior to 1<sup>st</sup> September 2023 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2024.*

2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5.5%*
5. *Late payment penalty interest to be levied at 7% for Rates and Emergency Services Levy for all outstanding rates from 1<sup>st</sup> September 2023.*
6. *That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*
7. *The draft rate model incorporating an average 3% rate increase to the total revenue received for rates across all categories.*
8. *Acknowledge the rate in the dollar to facilitate a 3% rate increase in the total rate revenue;*
  - a. *GRV - Kellerberrin Residential –Increases to 0.159100c and minimum to \$880*
  - b. *GRV - Other Residential – Increases to 0.159100c minimum to \$880*
  - c. *GRV – Commercial – Increases to 0.175050c minimum to \$965*
  - d. *GRV – Industrial - Remains 0.175050c minimum to \$965*
  - e. *UV - Mining Tenements – Reduces to 0.013710c minimum to \$880*
  - f. *UV – Rural – Reduces to 0. 013710c minimum to \$880*
9. *Acknowledge differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 23/24.*

## COUNCIL RESOLUTION

MIN 048/23

MOTION - Moved Cr. Pryer

Seconded Cr. Leake

***That Council endorses the following rating information and charges to be incorporated into the 2023/2024 draft budget;***

**1. Option**

***Option A - One Payment***

***Due By 1<sup>st</sup> September 2023***

***Option B – 2 Instalment Option***

***50% due 1<sup>st</sup> September 2023***

***50% due 12<sup>th</sup> January 2024***

***Option C – 4 Instalment Option***

***25% due 1<sup>st</sup> September 2023***

***25% due 3rd November 2023***

***25% due 12<sup>th</sup> January 2024***

***25% due 15<sup>th</sup> March 2024***

***Option D – Special Arrangement***

***Arrangements made prior to 1<sup>st</sup> September 2023 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2024.***

2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5.5%*

- 5. Late payment penalty interest to be levied at 7% for Rates and Emergency Services Levy for all outstanding rates from 1<sup>st</sup> September 2023.**
- 6. That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.**
- 7. The draft rate model incorporating an average 3% rate increase to the total revenue received for rates across all categories.**
- 8. Acknowledge the rate in the dollar to facilitate a 3% rate increase in the total rate revenue;**
  - a. GRV - Kellerberrin Residential –Increases to 0.159100c and minimum to \$880**
  - b. GRV - Other Residential – Increases to 0.159100c minimum to \$880**
  - c. GRV – Commercial – Increases to 0.175050c minimum to \$965**
  - d. GRV – Industrial - Remains 0.175050c minimum to \$965**
  - e. UV - Mining Tenements – Reduces to 0.013710c minimum to \$880**
  - f. UV – Rural – Reduces to 0. 013710c minimum to \$880**
- 9. Acknowledge differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 23/24.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**



**9.6 2023/2024 DIFFERENTIAL RATES**

<b>File Number:</b>	<b>ASS</b>
<b>Author:</b>	<b>Brett Taylor, Senior Finance Officer</b>
<b>Authoriser:</b>	<b>Raymond Griffiths, Chief Executive Officer</b>
<b>Attachments:</b>	<b>1. Long Term Financial Plan Extract (under separate cover)</b> <b>2. Statement of Rating Objects and Reasons 23/24 (under separate cover)</b>

**BACKGROUND**

The Shire's Strategic Community Plan articulates the vision for the Shire, with the Corporate Business Plan describing how that vision will be achieved over the next four years. The Annual Budget describes how services and infrastructure will be funded for the next year, with the Long Term Financial Plan setting out the financial plan for the next ten years.

The adoption of the Annual Budget will be considered at the July 2023 Ordinary Meeting of Council.

A major component of any local government funding is property rates. The Shire can apply a uniform rate or a differential rate for each of the valuation categories; gross rental and unimproved values. The intention behind applying differential rates is to take into account the levels of services provided to different types of properties, to reflect the cost of provision of services to those categories of properties as well as the need to encourage specific types of activities within the Shire.

As the Shire uses differential rates, it is required under section 6.36 of the *Local Government Act 1995 (the Act)* to advertise the intended differential rates for public comment and consideration by Council prior to their adoption. The Shire must give public notice of the differential rates it intends to impose. Submissions are invited, and a minimum of 21 days is required before Council can consider those submissions. The proposed differential rates and minimum payments can then be imposed, with or without modifications.

A document is required to be made available for inspection by electors and ratepayers that describes the objects of and reasons for each proposed rate and minimum payment:

- Attachment - Statement of Rating Objects and Reasons for the 2023/2024 Year

The Shire has experienced growth over the past few years, generating increased demand for the services and infrastructure. In addition, the State Government has significantly increased charges that the Shire cannot avoid. This places pressure on the ability of the Shire to fund necessary services and infrastructure.

**STAFF COMMENT**

In considering the demands and needs of the community, Council is mindful of the downturn in the economy and the capacity of ratepayers to pay. In accordance with Shire plans, strict fiscal discipline will facilitate a balanced budget for a 3.0% general increase in rates yield.

The Shire has utilised the current values as at 2<sup>nd</sup> May 2023 to determine the total rates revenue per differential rate type based on the proposed 3.0% increase on the 2023/2024 differential rate in the dollar and minimum rates.

Based on this proposed rates revenue, the Shire has recalculated the rates in dollar utilising the new values provided by the Valuer General. It is also recommended that the minimum rates for each category increase by 3.0% for both UV & GRV properties.

The Long Term Financial Plan for the Shire of Kellerberrin indicates a revenue requirement of \$2,557,809 with the proposed rate modelling proposing rates to earn \$2,513,608 in income. The loss in income of \$44,202 can be attributed to no increase in rates revenue for the 19/20 due to COVID restrictions be that Local Government rates were not increased for that rating year.

## Rating Strategy for 23/24

The 2023/2024 budget proposes:

For properties rated on a gross rental valuation method (where valuations are unchanged) the existing rate in the dollar will be multiplied with the proposed percentage increase (3.0%) to calculate 2023/2024 rates.

For properties currently rated on an unimproved basis (which are subjected to a revaluation by the Valuer General) the rate yield will reflect a 3.0% increase and the rate in the dollar will be calculated in accordance with the methodology previously adopted by Council. Changes in rates levied will be as a result of the changes in values from the revaluation.

Differential rate, Statement of Objects and Reasons are detailed in Attachment 1 and will apply in 2023/2024 to the following categories:

### *Gross rental properties*

#### 1. Commercial/Industrial

Minimum rates to increase by 3.0% subject to legislative requirement that no more than 50% of the number of properties per differential rate category has the minimum applied.

Separate refuse charges will be levied in 2023/2024 (refer to schedule of fees and charges under waste management).

Rate in dollar applied so that the maximum rate in the dollar is no more than twice the lowest.

In accordance with *section 6.45 of the Local Government Act 1995*, penalty interest can be levied on rates instalments. Interest does not apply to current rates due by registered Pensioners and Senior's. Council has however elected to not charge any instalment charges for 2023/2024.

In accordance with *section 6.51 of the Local Government Act 1995*, Council can charge penalty interest at 7% per annum on a daily basis on all overdue rates. Penalty interest does not apply to current rates due by registered Pensioners and Senior's. Emergency Services Levy as determined by the Department of Fire and Emergency will be included in the rate assessments.

## Determination of rate revenue for 2023/2024

The calculation of the 2023/2024 rate in the dollar for all rates is based on a 3.0% increase in rate yield from 2022/2023.

### Methodology

Where no revaluation has taken place the previous year's rate in the dollar is increased by the proposed increase (3.0%).

Revaluations occur every year for unimproved value properties and every five years for gross rental properties. The last revaluation of gross rental properties occurred in July 2017 (next revaluation expected 1 July, 2024).

The property values (current values) as at 4th May, 2023 have been used to determine the total rates revenue for each differential rate type. Rate modelling is conducted with data extrapolated using values that exist in the rates database. These models give Council an indicative predetermined total rates revenue figure based on the valuations at the time of calculation.

Step 1 –	2023/24 rate in dollar x proposed % increase = Proposed Rate in Dollar
Step 2 -	Current Values x proposed rate in dollar = Amount Levied (including minimum rate)
Step 3 -	Amount to be Levied divided by the new values = Proposed Rate in Dollar (including minimum rate)

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

**Gross rental value properties**

The Shire is proposing an increase of 3.0% on the existing differential rates in the dollar for properties rated on a gross rental valuation method (noting that 2023/24 is not a revaluation year for GRV). It is also recommended that the minimum rates for each category increase by 3.0%.

The following process applies this financial year for GRV properties:

- Step 1 –  $2023/24 \text{ rate in dollar} \times \text{proposed \% increase} = \text{Proposed Rate in Dollar}$
- Step 2 -  $\text{Current Values} \times \text{proposed rate in dollar} = \text{Amount Levied (including minimum rate)}$

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

Council is required to advertise the Differential rating, providing a submission period as per section 6.36 – *Local Government Act 1995*, being 21 days from date of advertising.

*See attachments*

**FINANCIAL IMPLICATIONS**

Rating income for 2023/2024.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Subdivision 2 — Categories of rates and service charges*

**6.32. Rates and service charges**

- (1) When adopting the annual budget, a local government —
  - (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;and
  - (c) may impose\* a service charge on land within its district.

*\* Absolute majority required.*

- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
  - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

*\* Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;

- (b) a purpose for which the land is held or used as determined by the local government;
- c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

- (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

#### 6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

#### 6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6),

unless the general minimum does not exceed the prescribed amount.

- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

*[Section 6.35 amended by No. 49 of 2004 s. 61.]*

#### 6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
  - (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
  - (3) A notice referred to in subsection (1) —
    - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
    - (b) is to contain —
      - (i) details of each rate or minimum payment the local government intends to impose;
      - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
      - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;and
    - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
  - (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
  - (5) Where a local government —
    - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
- (b)proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

### 6.37. Specified area rates

- (1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —
  - (a) have benefited or will benefit from;
  - (b) have access to or will have access to; or
  - (c) have contributed or will contribute to the need for,that work, service or facility.
- (2) A local government is required to —
  - (a) use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for that purpose.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,and section 6.11(2), (3) and (4) do not apply to such a reserve account.
- (4) A local government may only use the money raised from a specified area rate —
  - (a) to meet the cost of providing the specific work, service or facility for which the rate was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —
  - (a) may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.
- (6) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a specified area rate was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the rate is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the rate, the local government were to provide the underground electricity.

*[Section 6.37 amended by No. 2 of 2012 s. 20.]*

### 6.38. Service charges

- (1) A local government may impose on —
  - (a) owners; or
  - (b) occupiers,of land within the district or a defined part of the district a service charge for a financial year to meet the cost to the local government in the provision of a prescribed work, service or facility in relation to the land.
- (2) A local government is required to —
  - (a) use the money from a service charge in the financial year in which the charge is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for the purpose of that work, service or facility.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the work, service or facility for which the charge was imposed,and subsections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.
- (4) A local government may only use the money raised from a service charge —
  - (a) to meet the cost of providing the specific service for which the work, service or facility charge was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from the service charge imposed under subsection (1)(a) it —
  - (a) may, and if so requested by the owner of the land, is required to, make a refund to the owner of the land which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to any land on which the service charge was imposed against future liabilities for rates or service charges in respect of that land.
- (6) If a local government receives more money than it requires from the service charge imposed under subsection (1)(b) it is required to make a refund to the person who paid the service charge which is proportionate to the contributions received by the local government.
- (7) This section applies in respect of a prescribed work, service or facility even if the work, service or facility is not provided, or not wholly provided, by a local government if the local government has facilitated or participated in the provision of the work, service or facility.
- (8) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a service charge was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,



the charge is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the charge, the amendments effected by *Local Government Amendment Act 2012* Part 2 Division 5 had been in effect and the provision of underground electricity had been a prescribed work.

*[Section 6.38 amended by No. 2 of 2012 s. 21.]*

## STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place;

- Councillors
- Chief Executive Officer
- Senior Finance Officer

## STAFF RECOMMENDATION

*That Council resolve to:*

1. *Advertise the following differential rates and minimum rate for the 2023/2024 financial year.*

<b>Gross Rental Value Properties</b>		
<b>Description</b>	<b>Rate in \$</b>	<b>Minimum Rate</b>
<i>Kellerberrin Residential</i>	<i>\$0.15910</i>	<i>\$880.00</i>
<i>Other Residential</i>	<i>\$0.15910</i>	<i>\$880.00</i>
<i>Kellerberrin Commercial</i>	<i>\$0.17505</i>	<i>\$965.00</i>
<i>Other Commercial</i>	<i>\$0.17505</i>	<i>\$965.00</i>
<b>Unimproved Value Properties</b>		
<i>Mining Tenements</i>	<i>\$0.013710</i>	<i>\$880.00</i>
<i>Rural</i>	<i>\$0.013710</i>	<i>\$880.00</i>

2. *Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.*

## COUNCIL RESOLUTION

**MIN 049/23**

**MOTION - Moved Cr. Forsyth**

**Seconded Cr. Gardiner**

*That Council resolve to:*

1. *Advertise the following differential rates and minimum rate for the 2023/2024 financial year.*

<b>Gross Rental Value Properties</b>		
<b>Description</b>	<b>Rate in \$</b>	<b>Minimum Rate</b>
<b>Kellerberrin Residential</b>	<b>\$0.15910</b>	<b>\$880.00</b>
<b>Other Residential</b>	<b>\$0.15910</b>	<b>\$880.00</b>
<b>Kellerberrin Commercial</b>	<b>\$0.17505</b>	<b>\$965.00</b>
<b>Other Commercial</b>	<b>\$0.17505</b>	<b>\$965.00</b>
<b>Unimproved Value Properties</b>		
<b>Mining Tenements</b>	<b>\$0.013710</b>	<b>\$880.00</b>
<b>Rural</b>	<b>\$0.013710</b>	<b>\$880.00</b>
<p><b>2. Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.</b></p> <p style="text-align: right;"><b>CARRIED 7/0</b></p>		

**9.7 CHEQUE LIST APRIL 2023**

**File Number:** N/A  
**Author:** Nikayla Ovens, Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. List of Accounts Paid - April 2023 (under separate cover)

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> April to 30<sup>th</sup> April 2023.

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 79,922.20</b>
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**MUNICIPAL FUND****Cheque Payments**

35007-35009	\$ 46,889.31
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**EFT Payments**

14549-14649	\$ 1,380,434.75
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<b>Direct Debit Payments</b>	<b>\$ 17,788.30</b>
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<b>TOTAL MUNICIPAL</b>	<b>\$ 1,447,112.36</b>
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**STAFF COMMENT**

During the month of April 2023, the Shire of Kellerberrin made the following significant purchases:

<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 79,922.20</b>
Licencing payment April 2023	
<b>Distinctive Pools</b>	<b>\$ 688,148.69</b>
Claim #8 March 2023 - Stage 3 Swimming Pool Redevelopment	
<b>Fulton Hogan</b>	<b>\$ 346,512.43</b>
Two Coat Seal - Doodlakine South Road 15.49 - 18.47.	
<b>ARRB Group Pty Ltd</b>	<b>\$ 165,000.00</b>
Bill 1 - Progress claim 1 project management, data collection, processing & reporting	
<b>Water Corporation</b>	<b>\$ 45,077.56</b>
Water Charges 7 February - 29 March 2023	
<b>United Card Services Pty Ltd</b>	<b>\$ 17,511.69</b>
Total fuel supplies - March 2023	
<b>Realmark Commercial</b>	<b>\$ 15,413.33</b>
WSFN Net rent (2 months)	
<b>Mineral Crushing Services WA PTY LTD</b>	<b>\$ 12,946.01</b>
Supply & delivery of 10mm washed aggregates for Goldfields Rd.	
<b>Beam Superannuation</b>	<b>\$ 12,734.68</b>
Superannuation Pay run	

<b>Avon Waste</b> Domestic collections March 2023	<b>\$ 11,478.52</b>
<b>Grillex Pty Ltd</b> Swimming Pool - Street style 2m table setting - surface mount - western red cedar	<b>\$ 10,711.80</b>
<b>Smith Earthmoving Pty Ltd</b> Truck hire for Goldfields Road February-March 2023	<b>\$ 10,560.00</b>
<b>Synergy</b> Streetlights Tariff Charge (254) & Power consumption - February-March 2023	<b>\$ 9,429.72</b>
<b>Sapio Pty Ltd</b> Quarterly CCTV maintenance July 2022 to June 2023	<b>\$ 7,979.56</b>
<b>Innes &amp; Co</b> Equipment hire tipper & single side tipper Goldfields Road - February 2023 09/01/2023 8 hrs 10/01/2023 1.5 hrs 11/01/2023 8 hrs 12/02/2023 8 hrs 23/02/2023 8 hrs 24/02/2023 6.5 hrs 26/02/2023 8.5 hrs	<b>\$ 7,469.00</b>
<b>Dylan Copeland</b> CPS9674/1 Second site visit to R 14411, data collation, mapping, establishing quadrats, quantifying areas & scoring vegetation type, condition & habitat values	<b>\$ 6,938.28</b>
<b>R Munns Engineering Consulting Services</b> Consulting work on South Doodlakine Rd. project	<b>\$ 5,125.67</b>

## TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan.

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2022/2023 Operating Budget

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

### 11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
  - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
  - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
  - (a) Subject to sub-regulation (4), are not to be made in cash; and
  - (b) Are to be made in a manner which allows identification of —
    - (i) The method of payment;
    - (ii) The authority for the payment; and

- (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

*[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]*

## **12. Payments from municipal fund or trust fund**

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

*[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]*

## **13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;
  - And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

## **STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

- 1. Relationships that bring us tangible benefits (to the Shire and our community)
- 2. Our lifestyle and strong sense of community
- 3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

## STAFF RECOMMENDATION

*That Council notes that during the month of April 2023, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

1. *Municipal Fund payments totalling **\$1,447,112.36** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$79,922.20** on vouchers EFT, CHQ, Direct payments*

## COUNCIL RESOLUTION

MIN 050/23

MOTION - Moved Cr. Leake

Seconded Cr. Reid

*That Council notes that during the month of April 2023, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

1. *Municipal Fund payments totalling **\$1,447,112.36** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$79,922.20** on vouchers EFT, CHQ, Direct payments*

**CARRIED 7/0**

<b>9.8 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - APRIL 2023</b>
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**File Number:** N/A  
**Author:** Brett Taylor, Senior Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Please see below the Direct Debit List and Visa Card Transactions for the month of April 2023.

**Municipal Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
3-Apr-23	Alleasing	Gym Equipment Lease		3,075.84
6-Apr-23	Shire of Kellerberrin	Payroll		1,626.80
6-Apr-23	Shire of Kellerberrin	Creditors Payment		1,286,257.32
11-Apr-23	Department of Transport	Vehicle Inspections Fees		55.60
11-Apr-23	Shire of Kellerberrin	Precision Superannuation		201.89
11-Apr-23	Department of Communities	Rent		420.00
12-Apr-23	Shire of Kellerberrin	Creditors Payment		15,413.33
13-Apr-23	Shire of Kellerberrin	Payroll		185.12
13-Apr-23	Shire of Kellerberrin	Payroll		76,533.59
14-Apr-23	Shire of Kellerberrin	Precision Superannuation		19.44
14-Apr-23	Shire of Kellerberrin	Precision Superannuation		12,734.68
20-Apr-23	Shire of Kellerberrin	Creditors Payment		78,778.20
21-Apr-23	Nayax Australia	Caravan Park Vending Machine		38.17
26-Apr-23	Department of Communities	Rent		420.00
27-Apr-23	Shire of Kellerberrin	Payroll		78,587.49
28-Apr-23	NAB	B-Pay Charge		25.76
28-Apr-23	NAB	Bank Fees - Trust		10.00
28-Apr-23	NAB	Bank Fees - Muni		36.00
28-Apr-23	NAB	Merchant Fees -Trust		13.12
28-Apr-23	NAB	Merchant Fees - Muni		63.66
28-Apr-23	NAB	Merchant Fees - C/Park		117.99
28-Apr-23	NAB	Merchant Fees - CRC		436.04
28-Apr-23	NAB	NAB Connect Fees		63.73
<b>TOTAL</b>			<b>\$</b>	<b>1,555,113.77</b>

**Trust Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
30-Apr-23	Department of Transport	Licencing Payments - April 2023		79,922.20
<b>TOTAL</b>			<b>\$</b>	<b>79,922.20</b>

**Visa Transactions**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
11-Apr-23	Kellerberrin Hotel	Farewell Lunch - Natasha Giles		157.50
12-Apr-23	JB Hi-fi	Computer Charge Cables		45.89
19-Apr-23	Telstra Prepaid	SIM Recharge Waste Transfer Station		30.00
19-Apr-23	Athletes Foot	Safety Work Boots Ian Kent		229.99
20-Apr-23	Shire of Kellerberrin	HR Licence Angus Lavery		30.90
20-Apr-23	Kellerberrin Farmers Coop	Meeting Lunch		17.00
24-Apr-23	RLSSWA	Swimming Pool Entry Sign		425.40
28-Apr-23	NAB	Card Fee		9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>945.68</b>

Date	Name	Details	\$	Amount
28-Apr-23	NAB	Card Fee		9.00
		<b>TOTAL - MOG</b>		<b>9.00</b>
29-Mar-23	City of Swan	WSFN Programme Manager - Parking		8.00
29-Mar-23	Emerge Safe Pty Ltd	WSFN Programme Manager - Office Hire		78.35
29-Mar-23	Emerge Safe Pty Ltd	WSFN Programme Manager - Office Hire		167.89
30-Mar-23	City of Swan	WSFN Programme Manager - Parking		8.00
30-Mar-23	Emerge Safe Pty Ltd	WSFN Programme Manager - Office Hire		167.89
31-Mar-23	Easy Park	WSFN Programme Manager - Parking		8.80
31-Mar-23	Bear Pantry	WSFN Programme Manager - Meals		34.00
03-Apr-23	Banh Mi Thit Phuong Ng	WSFN Programme Manager - Meals		34.50
03-Apr-23	Koorda IGA	WSFN Programme Manager - Meals		24.00
06-Apr-23	Banh Mi Thit Phuong Ng	WSFN Programme Manager - Meals		43.50
11-Apr-23	Banh Mi Thit Phuong Ng	WSFN Programme Manager - Meals		38.90
18-Apr-23	Emerge Safe Pty Ltd	WSFN Programme Manager - Office Hire		167.89
19-Apr-23	Jurien Bay Motel	WSFN Programme Manager - Accommodation		340.00
24-Apr-23	Jurien Seafood's	WSFN Programme Manager - Meals		7.40
24-Apr-23	Banh Mi Thit Phuong Ng	WSFN Programme Manager - Meals		35.00
24-Apr-23	Jetty Kiosk	WSFN Programme Manager - Meals		17.50
24-Apr-23	Coral Ocean Investment	WSFN Programme Manager - Accommodation		239.50
26-Apr-23	El Cabello	WSFN Programme Manager - Meals		24.00
28-Apr-23	Dome Northam	WSFN Programme Manager - Meals		32.60
28-Apr-23	Carco WA	WSFN Programme Manager - Service KE147		455.00
28-Apr-23	NAB	Card Fee		9.00
		<b>TOTAL -WSFN Programme Manager</b>		<b>1,941.72</b>
29-Mar-23	City of Swan	WSFN Programme Director - Parking		8.00
30-Mar-23	City of Swan	WSFN Programme Director - Parking		8.00
31-Mar-23	Easy Park	WSFN Programme Director - Parking		8.80
31-Mar-23	Banh Mi Thit Phuong Ng	WSFN Programme Director -Meals		34.00
03-Apr-23	Breakaway Nungarin	WSFN Programme Director - Meals		21.00
03-Apr-23	Shire of Koorda	WSFN Programme Director - Accommodation		220.00
06-Apr-23	Woolworths Midland Gate	WSFN Programme Director - Meals		58.25
06-Apr-23	Midland Toyota	WSFN Programme Director - Service KE003		360.01
11-Apr-23	PUJ Ventures Pty Ltd	WSFN Programme Director - Uniforms		988.35
11-Apr-23	Officeworks	WSFN Programme Director - Stationery		439.44
11-Apr-23	CC Locksmiths Midland	WSFN Programme Director - Doorlocks		377.00
17-Apr-23	Officeworks	WSFN Programme Director - Stationery		181.82
20-Apr-23	Officeworks	WSFN Programme Director - Stationery		10.20
26-Apr-23	Freshwater Services	WSFN Programme Director - Water Filters		
26-Apr-23	Australia Post Midland	Office		187.00
27-Apr-23	CBRE Perth	WSFN Programme Director - Stationery		173.00
27-Apr-23		WSFN Programme Director - Parking		12.00
27-Apr-23	Nespresso Australia	WSFN Programme Director - Coffee Machine		
28-Apr-23		Office		281.30
28-Apr-23	NAB	Card Fee		9.00
		<b>TOTAL -WSFN Programme Director</b>		<b>3,377.17</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>6,273.57</b>

## STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of April 2023.

## TEN YEAR FINANCIAL PLAN

There are no direct implication on the Long Term Financial Plan.



## FINANCIAL IMPLICATIONS

Financial Management of 2022/2023 Budget.

## STATUTORY IMPLICATIONS

### Local Government (Financial Management) Regulations 1996

#### 34. Financial activity statement report — s. 6.4

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

## STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community

3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer

## STAFF RECOMMENDATION

*That Council note the direct debit list for the month of April 2023 comprising of;*

- (a) Municipal Fund – Direct Debit List*
- (b) Trust Fund – Direct Debit List*
- (c) Visa Card Transactions*

## COUNCIL RESOLUTION

MIN 051/23

MOTION - Moved Cr. Gardiner

Seconded Cr. Forsyth

*That Council note the direct debit list for the month of April 2023 comprising of;*

- (a) Municipal Fund – Direct Debit List*
- (b) Trust Fund – Direct Debit List*
- (c) Visa Card Transactions*

**CARRIED 7/0**

**9.9 FINANCIAL ACTIVITY STATEMENT - APRIL 2023**

**File Number:** FIN  
**Author:** Brett Taylor, Senior Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis, and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/expenditure (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

Council's July 2022 Ordinary Meeting of Council – 19<sup>th</sup> July 2022

**MIN 109/22 MOTION - Moved Cr. Steber Seconded Cr. Reid**  
***That Council:***

**PART G – MATERIAL VARIANCE REPORTING FOR 2022/2023**

***In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022/2023 for reporting material variances shall be 10% or \$10,000, whichever is the greater.***

**STAFF COMMENT**

Pursuant to Section 6.4 of the Local Government Act 1995 (the Act) and Regulation 34(4) of the Local Government (Financial Management) Regulations 1996 (the Regulations), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30<sup>th</sup> April 2023.

**TEN YEAR FINANCIAL PLAN**

Financial Management of 2022/2023 Budget.

**FINANCIAL IMPLICATIONS**

Financial Management of 2022/2023 Budget.

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

**34. Financial activity statement report — s. 6.4**

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

## STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer

## STAFF RECOMMENDATION

*That Council adopt the Financial Report for the month of April 2023 comprising;*

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 13*

## COUNCIL RESOLUTION

**MIN 052/23      MOTION - Moved Cr. Ryan      Seconded Cr. Leake**

***That Council adopt the Financial Report for the month of April 2023 comprising;***

- (a) Statement of Financial Activity***
- (b) Note 1 to Note 13***

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**9.10 BUILDING REPORTS APRIL 2023**

**File Ref:** BUILD06  
**Author:** Jacki-Marie Peak, Administration Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Applications Received - April (under separate cover)  
2. Permits Issued - April (under separate cover)

**BACKGROUND**

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the *Building Act 2011*, Building Code of Australia and the requirements of the Shire of Kellerberrin Town Planning Scheme No.4.

**STAFF COMMENT**

1. There were two (2) applications received for a "Building Permit" during the April period.
2. There were two (2) "Building Permit" issued in the April period.

**TEN YEAR FINANCIAL PLAN**

There is no direct impact on the Long Term Financial Plan.

**FINANCIAL IMPLICATIONS**

There is income from Building fees and a percentage of the levies paid to other agencies.

ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

**STATUTORY IMPLICATIONS**

- Building Act 2011
- Shire of Kellerberrin Town Planning Scheme 4

**STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

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3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

**COMMUNITY CONSULTATION**

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors
- Chief Executive Officer

## STAFF RECOMMENDATION

*That Council;*

1. *Acknowledge the "Return of Proposed Building Operations" for the April 2023 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the April 2023 period.*

## COUNCIL RESOLUTION

MIN 053/23

MOTION - Moved Cr. Gardiner

Seconded Cr. Pryer

*That Council;*

1. *Acknowledge the "Return of Proposed Building Operations" for the April 2023 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the April 2023 period.*

**CARRIED 7/0**

**10 DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS**

Nil

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**



**14 CONFIDENTIAL MATTERS****COUNCIL RESOLUTION**

MIN 054/23      MOTION - Moved Cr. Forsyth      Seconded Cr. Leake

*That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:*

**14.1      Manager of Governance Recruitment**

*This matter is considered to be confidential under Section 5.23(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**CARRIED 7/0**

*At 4:17 pm, Cr Kelsey Pryer left the meeting.*

**COUNCIL RESOLUTION**

MIN 055/23      MOTION - Moved Cr. Gardiner      Seconded Cr. Forsyth

*That Council moves out of Closed Council into Open Council.*

**CARRIED 6/0**

*At 4:24 pm, Cr Kelsey Pryer returned to the meeting.*

**MOTION****COUNCIL RESOLUTION**

MIN 056/23      MOTION - Moved Cr. Leake      Seconded Cr. Forsyth

*That Council endorsed the recruitment of Manager of Governance including the contract as presented.*

**CARRIED 7/0**

## **15 CLOSURE OF MEETING**

**The Meeting closed at 4:26pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 June 2023.**

.....  
**CHAIRPERSON**