

SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Minutes

28 May 2024



DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. Lawrence', written in a cursive style.

VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING
MINUTES
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 28 MAY 2024 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within these minutes and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record was made of these proceedings to assist in the taking of minutes.

The Shire President declared the Meeting open at 5:05pm.

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr M Dear	Councillor
Cr J Gooding	Councillor
Cr D Hearty	Councillor (via Videoconference)
Cr B Kyne	Councillor
Cr S Timms	Councillor
Cr B Robinson	Councillor
V Lawrence	Chief Executive Officer
M Blair	Acting Director Corporate Services
P Webb	Director Infrastructure
N Allen	Director Planning & Community Development
N Bray	Minute Taker

Apology

Nil

Leave of Absence

Cr C McNeil Councillor

3. DECLARATION OF INTEREST

- Financial Interest – Nil
- Impartiality Interest

Councillor/Officer	Item	Description of Interest
Cr J Gooding	12.3.3 Out of Round Grant Application	Cr Gooding is a Director at Wunan Foundation – the grant recipient.

- Proximity Interest - Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

That Council confirms the Minutes of the Ordinary Council Meeting held on 23 April 2024

COUNCIL DECISION

Minute Number: 28/05/2024 - 119026

Moved: Cr T Chafer

Seconded: Cr B Robinson

That Council confirms the Minutes of the Ordinary Council Meeting held on 23 April 2024.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

Note: The Minutes of the Ordinary Council Meeting held on 26 March 2024 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

26 April 2024 – Yajany yarrowoo ngoondebtha Group / Friday Reference Group - Attended by the Shire President and CEO.

30 April 2024 – Zone Chair Induction – Attended by the Shire President.

2 May 2024 – Boskalis Meeting – Attended by the Shire President and CEO.

3 May 2024 – Yajany yarrowoo ngoondebtha Group / Friday Reference Group - Attended by the Shire President and CEO.

3 May 2024 – Wunan Event – Opening of the Student Hostel – Attended by the Shire President and the CEO.

7 May 2024 - EK Regional Drought Resilience Planning - Attended by the Shire President and CEO.

10 May 2024 – Yajany yarrowoo ngoondebtha Group / Friday Reference Group - Attended by the Shire President and CEO.

15 May 2024 - WA Local Government Grants Commission - Financial Assistance Grants (FA Grants) – Attended by the Shire President, Deputy Shire President, Councillor McNeil, Dear, and Shire Officers discuss the methodology for the distribution of FA Grants.

17 May 2024 – Budget Breakfast with the Hon Jackie Jarvis MLC – Attended by the Shire President, Deputy Shire President, Councillor Hearty and the CEO.

17 May 2024 – Kimberley Moon Sponsors event – Shire President, Deputy Shire President, Cr Gooding, Cr Hearty and CEO attended – opportunity to engage with Ministers and our local Member.

18 May 2024 – Kimberley Moon - Shire President, Deputy Shire President, Cr Jeff Gooding and CEO attended - opportunity to engage with Minister Don Punch, Minister Steven Dawson, the Attorney General John Quigley and our local Member Divina D’Anna and Federal Member Melissa Price.

23 May 2024 - Water Lily Place site and Regional Worker Accommodation Pilot – Attended by the CEO.

23 May 2024 – Audit Entrance Meeting – Meeting with RSM auditors and the Office of the Auditor General regarding the 2024 annual financial audit – Attended by Deputy Shire President Tony Chafer, Cr Kyne, Cr Hearty, the CEO and Meredith Blair, Acting Director Corporate Services.

24 May 2024 – Yajany yarrowoo ngoondebtha Group / Friday Reference Group - Attended by the Shire President and CEO.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE	28 May 2024
AUTHOR	Executive Officer to the CEO
RESPONSIBLE OFFICER	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

COUNCIL DECISION

Minute Number: 28/05/2024 - 119013

Moved: Cr S Timms

Seconded: Cr B Robinson

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson,

Cr S Timms

Against: Nil

PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

FINANCIAL IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of completed actions from previous Council resolutions are detailed in Attachment 1.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Actions Register - Completed May 2024

Attachment 2 - Council Action Register - In Progress May 2024

12.2.2. Minutes and Recommendations from the Kimberley Zone and Kimberley Regional Group Meetings of 19 April 2024

DATE	28 May 2024
AUTHOR	Chief Executive Officer
RESPONSIBLE OFFICER	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Advocator, Facilitator and Leader
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Receives and endorses the resolutions of the Kimberley Zone and the Kimberley Regional Group as attached in the meeting minutes of 19 April 2024 for the Kimberley Zone and the Kimberley Regional Group as provided at Attachments 1 and 2 to this report.
2. Notes the contents of the State Council Agenda and Minutes of 1 May 2024 as provided in Attachments 3 and 4 to this report.

COUNCIL DECISION

Minute Number: 28/05/2024 - 119014

Moved: Cr B Robinson

Seconded: Cr M Dear

That Council:

1. Receives and endorses the resolutions of the Kimberley Zone and the Kimberley Regional Group as attached in the meeting minutes of 19 April 2024 for the Kimberley Zone and the Kimberley Regional Group as provided at Attachments 1 and 2 to this report.
2. Notes the contents of the State Council Agenda and Minutes of 1 May 2024 as provided in Attachments 3 and 4 to this report.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

PURPOSE

This report, presents for Council's endorsement, the Minutes from the last meeting of the Kimberley Zone and Kimberley Regional Group (KRG).

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kimberley Zone is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA). This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a Memorandum of Understanding between the four Kimberley Shires and a Governance agreement, which has recently been updated.

The Shire of Wyndham East Kimberley is the Secretariat for both groups and all meetings are held jointly.

The Minutes of the Kimberley Zone are at Attachment 1 and the Minutes of the KRG are at Attachment 2. A copy of the State Council Agenda and Minutes are at Attachment 3 and 4 respectively.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The work of the KRG and Kimberley Zone strongly reinforces the strategy of the Shire as that relates to improvements to local and regional programs and policy and for the initiation of major projects that promote economic investment and which maximise community benefit. The KRG and Kimberley Zone also promote strong collaboration around common issues and strengthen the Shire's ability to advocate around matters of interest to the community.

The primary role of the Kimberley Zone is to consider the motions put up to the State Council.

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A Financial Report was not tabled at the meeting due to time constraints. A Financial Report will be produced for the next meeting which is scheduled for the 20th June 2024. There have been no material changes to the finances of the zone since the last financial report.

COMMUNITY ENGAGEMENT

Nil

COMMENTS

There were a number of matters discussed in the KRG meeting to note. These include progressing the Kimberley Housing Roundtable, the Inquiry into Local Government Sustainability, the 2024/25 Investment Prospectus for the KRG, an Advocacy Strategy Management and Maintenance of Social Housing and the Co-operative Research Centre for Northern Australia on an Enabling Infrastructure Package to activate the White Paper for Developing Northern Australia.

The housing roundtable is an attempt for the KRG to take a more active role in addressing the problems associated with housing. Funding of \$10k and \$2.5k has been provided from the Kimberley Development Commission and Regional Development Australia respectively. Housing Australia strongly supports this Roundtable as it provides an opportunity for them to increase government investment in social housing. The time and location of the Roundtable is yet to be decided.

A presentation was done by Dr Allan Dale, Professor of Tropical Regional Development at James Cook University and the Chief Scientist for the Co-operative Research Centre for Northern Australia. (CRCNA). He is working on a refresh of the White Paper for Developing Northern Australia. Part of this work is to develop an Integrated Enabling Infrastructure Package which will Improve East-West connectivity, link equity of access to Indigenous and remote communities and lead to more open supply chains into the Indo-Pacific. His presentation is contained in the minutes of the KRG..

With both State and Federal Governments having elections in 2025 it is prudent that the KRG have a strategy and prospectus for our Kimberley wide priorities. This will be a separate body of work conducted to put together all the material needed to make our case to both levels of government. KRG members were encouraged to update their information so the document could be completed.

The Advocacy Strategy Management and Maintenance of Social Housing has the aim of better management of public housing by the Department of Communities. Poor maintenance, the accumulation of waste and the general state of disrepair of housing is an issue for the KRG. The problems of anti-social behaviour, neglect of minors and poor health outcomes are associated with these housing issues. The KRG is to produce an advocacy strategy to work with government to support improved outcomes.

The KRG will be making a submission to the House of Representatives Standing Committee inquiry into local government sustainability. A framework for the submission was agreed on at the meeting and a submission will be made before the due date, which is now at the end of May. This submission will compliment any submissions made by any one of the individual Shires.

With respect to the Kimberley Zone matters the information is contained in the attachment. The WALGA CEO provided an update in the absence of President Karen Chappel. The attached minutes provide all the detail but there are two items for noting in this commentary. Firstly, is that WALGA has requested support to amend its constitution to enable it to become a Registered Employer Organisation. Local Governments have been mandated to move to operate under the State industrial relations system. WALGA currently cannot effectively

represent named LG State Award employers and the broader Local Government sector in their own right. This would be rectified by becoming a Registered Employer Organisation as well as being in a better position to make use of opportunities to modernise the State Awards as they apply to local governments.

Support was also sought from the Kimberley Zone by the Great Southern Country Zone for enhanced and alternative education opportunities for regional WA. The Zone delegates agreed with the sentiments expressed in their request and resolved to support this initiative and request WALGA to advocate to the State Government on this matter.

The next meeting of the KRG, which will be held jointly with the WALGA Zone, is planned for 20 June 2024.

ATTACHMENTS

Attachment 1 - KRG Zone Minutes Feb 2024

Attachment 2 - KRG Minutes 16 Feb 2024

Attachment 3 - State Council Agenda May 2024

Attachment 4 - State Council Minutes May 2024

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Community Scorecard Survey 2024

DATE	28 May 2024
AUTHOR	Senior Projects Officer
RESPONSIBLE OFFICER	Nick Allen Director Planning and Community Development
FILE NO	CM.10.15
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Receives the 2024 Community Scorecard Survey Report as an informing document to aid the Shire and Council in decision-making.
2. Requests the Chief Executive Officer consider the results during the current review of the Corporate Business Plan and Annual Budget 2024/25.

COUNCIL DECISION

Minute Number: 28/05/2024 - 119015

Moved: Cr T Chafer

Seconded: Cr B Kyne

That Council:

1. Receives the 2024 Community Scorecard Survey Report as an informing document to aid the Shire and Council in decision-making.
2. Requests the Chief Executive Officer consider the results during the current review of the Corporate Business Plan and Annual Budget 2024/25.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

PURPOSE

For Council to receive the results of the 2024 Community Scorecard Survey.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

A satisfaction survey of the Shire community is an action identified to be undertaken every two years in the Corporate Business Plan. A regular community survey is an opportunity for the organisation to understand the opinions and views of the community, identify issues and areas for focus, benchmark performance, track improvements over time and inform the next review of the Strategic Community Plan. Importantly, the survey is a fundamental part of a healthy democracy and well-functioning local government.

The results of the Community Scorecard provide to Council the following benefits:

- Robust and reliable measures of performance, from advocacy, community engagement and community development, to town planning, economic development and environmental management.
- Respondents share their needs and aspirations and their location giving the ability to create local priority mapping.
- If carried out every 2 years, the Shire can benchmark performance over time, showing historical trends.

Catalyse were engaged to undertake the current community survey. They also conducted the 2017 and 2019 surveys.

Catalyse has significant experience in conducting similar surveys for other local governments. This experience has allowed a comparison with other local governments for benchmarking purposes and comparison with the previously gathered survey data.

Survey results

A copy of the Community Scorecard Survey Report is at Attachment 1. It shows consistent improvement in several key areas, most notably being:

- Leadership
- Advocacy and lobbying
- Support for community groups
- Street lighting

The survey highlights high levels of community satisfaction with the Shire's main airport and library, which have consistently been rated high since 2017 and the Shire remains an excellent place to visit. Support for community groups, particularly through the Shire's grants program was also highlighted.

The scorecard captured the community's top eight priorities and Catalyse has summarised these and provided suggested actions to address them. Those priorities are:

- Maintenance of sealed roads
- Playgrounds, parks and reserves
- Community safety and crime prevention
- How Kununurra town centre is being developed
- Services and facilities for youth
- Services and facilities for families and children

- Sport and recreation facilities and services
- Access to housing that meets your needs

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

POL-3000 - Community Engagement Policy

The Community Engagement Policy aims to improve the outcomes and benefits of effective community engagement including:

- Increased community awareness about services, planning and program delivery;
- Increased awareness of the needs, priorities and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately;
- Council and the community working together to address local issues where appropriate.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.1: Community engagement - The community is engaged in decision-making with opportunities to share their views on things that affect them

Strategy 10.1: The Shire will regularly inform the community about Shire projects, programs and services, and seek community input into decision making

RISK IMPLICATIONS

Risk: Failure to undertake effective community engagement strategies which develop the Shire's understanding of the needs and aspirations of the community, grow community capacity and ensure supportable outcomes are reached with stakeholders.

Control: Engage and communicate with all sections of the community to better understand needs and priorities.

FINANCIAL IMPLICATIONS

The results of the Survey will inform the preparation of the 2024/25 Budget as well as the review of the Corporate Business Plan. The Results will also inform the desktop review of the Strategic Community Plan, which is proposed to be updated in 2025.

COMMUNITY ENGAGEMENT

Community engagement has taken place in accordance with the Shire's Community Engagement Guidelines and included:

- Emailing residents and ratepayers.
- Advertising to all community members over the age of 14 in the local newspapers, noticeboards, Shire website and social media.
- Invitations to participate including paper copies of the survey were provided to all post office boxes registered in the Shire.

In total, 570 community members submitted a response to the 2024 Community Scorecard Survey. This represents an approximated participation rate of 18.3% of households (Estimated households 2021 RDA). This is a healthy increase in participation, up 69% from 338 in 2021.

The results of the community survey presented in the Community Scorecard Survey Report will be made available to the community on the Shire's website. Community groups, non-government organisations and other agencies will be encouraged to use the survey data to refine and develop services, and advocacy and to support funding applications. The Shire will similarly use the data for this purpose.

COMMENTS

The 2024 Community Scorecard Survey highlighted that the community would like the Shire of Wyndham East Kimberley and other agencies to focus on the following high-priority areas:

1. Community safety and crime prevention
2. Local roads
3. Housing
4. Kununurra town centre
5. Youth services and facilities
6. Health and community services
7. Family/children services and facilities

The attached report provides a comparison against the previous scorecards (2017, 2019 and 2021) for each question as a Trend Analysis and is presented as a bar chart. To assist Council a summary of the priority areas is presented in the following table.

Priority measure	2017	2019	2021	2024
Community safety and crime prevention	21	18 ↓	23 ↑	17 ↓
Local roads	32	39 ↑	29 ↓	27 ↓
Housing	43	47 ↑	40 ↓	32 ↓
Kununurra town centre	25	30 ↑	34 ↑	35 ↑
Youth services and facilities	31	32 ↑	35 ↑	37 ↑

Health and community services	44	48 ↑	50 ↑	45 ↓
Family/children services and facilities	-	32	34 ↑	43 ↑

The attached document also provides a comparison with other Councils, comparing the Shire against both the average score and the highest score achieved by Councils.

ATTACHMENTS

Attachment 1 - 2024 Community Scorecard Survey - Report

12.3.2. Request to Write Off Outstanding Fees - Kununurra Demons and Taekwondo Club

DATE	28 May 2024
AUTHOR	Acting Coordinator Recreation and Leisure
RESPONSIBLE OFFICER	Nick Allen, Director Planning and Community Development
FILE NO	RC.09.7
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves Kununurra Taekwondo Club request for the Shire to waive the 2022 outstanding hire fee and interest incurred for the total amount of \$5900.**
- 2. Approves Kununurra Demons Football Club request to waive fees and associated interest incurred during COVID 2020 season for the amount of \$7263.86**
- 3. Council waive \$3,027.10, 50% of the KDFC 2023 fees under the Financial Hardship policy.**

Cr T Chafer moved an amendment to the motion to remove item 3 from the recommendation.

AMENDED MOTION

COUNCIL DECISION

Minute Number: 28/05/2024 - 119016

Moved: Cr T Chafer

Seconded: Cr B Robinson

That Council:

- 1. Approves Kununurra Taekwondo Club request for the Shire to waive the 2022 outstanding hire fee and interest incurred for the total amount of \$5900.**
- 2. Approves Kununurra Demons Football Club request to waive fees and associated interest incurred during COVID 2020 season for the amount of \$7263.86**

Carried / Lost: 8/0

**For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson,
Cr S Timms
Against: Nil**

SUBSTANTIVE MOTION

COUNCIL DECISION

Minute Number: 28/05/2024 - 119017

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council:

- 1. Approves Kununurra Taekwondo Club request for the Shire to waive the 2022 outstanding hire fee and interest incurred for the total amount of \$5900.**
- 2. Approves Kununurra Demons Football Club request to waive fees and associated interest incurred during COVID 2020 season for the amount of \$7263.86**

Carried / Lost: 8/0

**For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson,
Cr S Timms
Against: Nil**

PURPOSE

For Council to consider a request from the Kununurra Demons Football Club and the Kununurra Taekwondo Club to waiver outstanding facility hire fees.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Requests to waive Facility Hire Fees have been received from the following organisations:

- Demons Football Club
- Kununurra Taekwondo Club

All requests to waive Fees and Charges with a value over \$2, 000 require a decision of Council.

Kununurra Demons Football Club - KDFC

The KDFC is a not-for-profit AFL club that currently competes in the East Kimberley Football League. At the start of the 2020 football season the club booked the Kununurra Town Oval for training sessions two nights a week. The booking incurred hire fees, including the oval hire and the oval light hire from May until August that year. However, the season did not eventuate due to COVID restrictions. Due to State mandates to restrict community sport the League decided to cancel the 2020 season with no games played. As such, the KDFC did not use the facilities as per their booking form. However, the club also neglected to inform the Kununurra

Leisure Centre staff of this, and the invoices were automatically generated, incurring a cost to the club of \$7263.86.

The club has requested that Council waive these fees, due to them not using the facility on the dates that have been invoiced.

Since presenting this report at the May Briefing Session, the Kununurra Demons Football Club has applied for Financial Hardship for the year 2023. A copy of the letter can be found in attachment 1. The Kununurra Demons Football Club are seeking for their 2023 debts to be reduced by 50%, or waived entirely. In 2023, the Club lost their primary sponsorship, this has been attributed to a change in committee between 2022 and 2023. The total value of the outstanding fees and interest accrued from 2023 amounts to \$6,054.19. If the Council agrees to apply a 50% discount to the fees, the cost incurred to the Shire would be \$3,027.10.

The Kununurra Demons Football Club has indicated that they have been actively working to improve their processes, and they are confident they can meet all future 2024 SWEK invoices. Over the past months, the committee has made efforts to fundraise, sell merchandise, and collect gate fees to improve the club's financial position. They have confirmed that they have raised \$6,500.00 so far for the 2024 season and are expecting further sponsorships to be confirmed.

The Shire of Wyndham East Kimberley has also improved internal processes to minimise the risk of this type of issue occurring again. Some of the measures taken include the introduction of MoUs for most major Shire facility user groups in 2024, engagement with the East Kimberley Football League (EKFL) and the Western Australian Football Commission to support the club in managing their finances, as well as increasing the number of income-providing activities for the Club.

Kununurra Taekwondo Club

The Kununurra Taekwondo Club is a not-for-profit community sporting organisation that utilises the indoor hall at the Kununurra Leisure Centre. In March 2023, the club contacted the Shire to discuss if they had any 2022 outstanding facility hire fees. During this conversation, a member of finance staff at the Shire advised the club that they had no outstanding hire fees remaining for 2022, as the invoices had not yet been raised. In November 2023, the club were issued with the 2023 hire fees, as well as the back dated 2022 fees. In total, the club was issued with a \$5900 invoice dating back to July 2022, plus the incurred interest to date.

The club has requested that Council consider waiving the 2022 booking fees and associated interest fees totalling \$6116.85.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Shire of Wyndham East Kimberley Delegations Register 2022/2023

7. Debts - Write off, waive or grant concessions

The Council delegates its authority and power to the Chief Executive to:

1. Waive or grant concessions in relation to sundry debts owed to the Shire (other than rates and services charges)
2. Write off money owed to the Shire
3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the Shire

Delegates - Chief Executive Officer

Subdelegates - Director Corporate Services

Conditions:

- a) Limited to individual debts not exceeding \$2,000
- b) Write-off rates and service charges not exceeding \$200
- c) Report to the Audit (Finance and Risk) Committee on the exercise of this delegation.

POLICY IMPLICATIONS

Council Policy *POL-2009 Sundry Debt Collection* provides guidelines for the collection of sundry debts.

Council Policy *POL-2016 Financial Hardship - Rates and Sundry Debtors* allows for Council to consider the waiving of rates and charges in cases of severe financial hardship.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: LIVEABILITY

Focus Area: SUSTAINABILITY

Goal 2: Healthy communities - Encouraging active, healthy lifestyles

Goal Outcome 2.2: Access to sport and recreation facilities and services - Sport and recreation facilities and services are accessible and well maintained

Strategy 2.2: The Shire will collaborate with a wide range of stakeholders to advocate and provide accessible facilities that support a range of sporting and recreational activities

RISK IMPLICATIONS

RISK: Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

CONTROL: Conduct regular community needs assessments to identify current and emerging needs, preferences, and expectations regarding community services.

FINANCIAL IMPLICATIONS

If Council were to approve the waivers as requested, the financial implications would be a reduction in Facility Hire income for the amount of \$13,380.71.

ASSET CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The KDFC did not utilise the facilities, Shire Officers recommend that Council waive the fees and associated interest incurred during 2020, totalling \$7263.86.

On May 14, after the Council briefing session, the KDFC sent the Shire a letter requesting that the Shire consider further waiver of fees through a Financial Hardship Application. The club's application meets the Financial Hardship Policy criteria, found in attachment 2. Shire officers recommend that Council waive \$3,027.10 of the club's 2023 fees, which is a 50% waiver. The remaining outstanding 2023 fees are to be paid after the Shire Finance team negotiates a suitable payment plan.

There was a staff oversight regarding the 2022 Kununurra Taekwondo Club hire fees. The club has indicated that the delay in invoicing from the Shire has placed a significant financial burden on the club. If they were made aware of the 2022 outstanding invoices when they contacted the Shire in March 2023, they would have been in a financial position to pay and correctly budget for future hire fees.

Shire officers will work closely with these two clubs to ensure that they do not encounter a similar financial situation again, where they have large outstanding hire fees. New invoicing and booking processes have been put in place to ensure regular seasonal users, such as Taekwondo, are invoiced at the start of each season rather than monthly, thus eliminating the delay in invoicing.

ATTACHMENTS

Attachment 1 - KDFC Letter requesting Financial Hardship

Attachment 2 - Financial Hardship Policy

12.3.3. Out of Round Grant Application

DATE	28 May 2024
AUTHOR	Community Development Officer
RESPONSIBLE OFFICER	Nick Allen, Director Planning Community Development
FILE NO	GS.05.65
DISCLOSURE OF INTERESTS	Cr Gooding - impartiality interest as per item 3
COUNCIL'S ROLE IN THE MATTER	Funder - provide funds or other resources
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Allocate \$3,000 from the Annual Community Grants budget to Kununurra Water Ski Club for the Reticulation Upgrade - Stage 1; and
2. Allocate \$1,500 from the Annual Community Grants budget to Wunan Foundation (auspicing for Down South Creative) for the Kimberley Kids in the Kitchen program.

COUNCIL DECISION

Minute Number: 28/05/2024 - 119018

Moved: Cr M Dear

Seconded: Cr T Chafer

That Council:

1. Allocate \$3,000 from the Annual Community Grants budget to Kununurra Water Ski Club for the Reticulation Upgrade - Stage 1; and
2. Allocate \$1,500 from the Annual Community Grants budget to Wunan Foundation (auspicing for Down South Creative) for the Kimberley Kids in the Kitchen program.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

PURPOSE

For Council to consider two out of round applications for funding lodged under the Community Grant Program.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has received two out of round grant applications, a facilities grant from Kununurra Water Ski Club and a community programs grant application from Down South Creative (auspiced by Wunan Foundation). The Water Ski Club has requested \$3,000 for stage one of a reticulation upgrade project, the Shire Grant Application outlining the goals of the project is included in Attachment 1. Down South Creative have requested \$1,500 for the Kimberley Kids In The Kitchen program that will be run as part of the Taste of the Kimberley festival, their application form can be found at attachment 2.

Kununurra Water Ski Club

This project is the first stage of the reticulation and pump shed upgrade, including the decommissioning, demolition and replacement of the current undersized pump and deteriorated pump shed. Construction will include a 2x2m concrete slab, pump shed, 2 phase pump, labour plumber, labour electrician and materials. The Club followed Shire procurement processes and attempted to secure 3 quotes for the project, but only received one. The Ski Club are seeking Shire contribution to assist with the purchase and construction of the pump shed alone.

The total cost of the project is quoted at \$16,000, the quote can be seen at attachment 3. The Ski Club have also received a \$5,000 grant from Horizon Power and are contributing the remainder from club funds.

Also from the 2023/24 financial year budget the Kununurra Water Ski Club have received \$15,000 for their annual Dam to Dam, \$5,000 for the WA Ski Show and markets and \$1,722 in Rates Assistance Grants. These events contribute to the liveability of our Shire in alignment with the Shires Community Strategic Plan.

Down South Creative (Wunan Foundation)

The Kimberley Kids in the Kitchen program is part of the larger event, Taste of the Kimberley, where young contestants aged 10 to 16 will have the chance to showcase their culinary skills in a cook-off at FEASTival. This competition aims to identify, train, and mentor local cooks and chefs under the respect and guidance of local elders and communities.

The total cost of the program has been estimated at \$25,500, and the organisers are seeking funds from Lotterywest, Rio Tinto, Kimberley Port Authority, Regional Arts WA and Elders Community Giving Project. It has been indicated that the Shire funds will go towards AV equipment, marquee hire and furniture hire.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter, however other approvals such as planning, building or to authorise works in a road or reserve may be required.

POLICY IMPLICATIONS

POL-3002 Community Grant Program is applicable to the consideration of this matter.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Goal Outcome 1.2: Safe Physical Environment - People feel safe on the streets and in public areas and can engage in healthy vibrant active lives

Goal Outcome 1.3: Families, Children, Young People - Families are supported and children and young people make better choices

Goal Outcome 4.2: Inclusive education pathways - Residents can access a broad range of educational opportunities, including alternative education pathways

Goal Outcome 6.2: Access to services - Attractive and resilient Town Centres that connect residents and visitors to shops and services

Goal Outcome 8.1: Community participation - Active and resilient community groups and volunteers

Goal Outcome 8.2: Culture and art - Celebrate the East Kimberley's art, culture and heritage

Goal Outcome 10.1: Community engagement - Community is engaged in decision making with opportunities to share their views on things that affect them

Goal Outcome 10.2: Collaborative partnerships - Collaborative partnerships that build capacity and increase opportunities

Strategy 1.2: The Shire will design places, spaces and buildings following designing out crime principles and strategies to counter and reduce crime and anti-social behaviour

Strategy 4.2: The Shire will work with key partners to advocate for a broader range of inclusive educational opportunities

Strategy 6.2: Plan and deliver vibrant, attractive town centres that support services for residents and visitors

Strategy 8.1: Support an increase in community participation in community groups and volunteering

Strategy 8.2: Strengthen relationships with Aboriginal people which foster mutual respect and support, and cultural awareness

Strategy 10.2: Support collaboration and partnerships to deliver key outcomes for our community

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to facilitate community development initiatives which support positive social outcomes for community members, including; health, aged care, youth services and Indigenous services.

Control: Community Grant Program aims to support community lead community development initiatives through financial assistance.

FINANCIAL IMPLICATIONS

The budget allocation for all funding streams within the Community Grant Program is \$365,000. To date Council has committed funding to the following grant schemes:

Grant Type	Allocated Amount
Events Grants	\$214,000
Rates Assistance	\$68,621
Community Programs	\$16,000
Building and Facilities	\$53,499
Quick Grants	\$7,000
Future Leaders	\$1,000
Remaining Unallocated Funds	\$4,880

Asset Considerations

Nil as the works conducted are on properties where the Shire is not responsible for the maintenance thereof.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The applications are considered eligible under the Community Grant Program and Officers recommend funding both the applications in full. The projects align well with the Shire's Community Strategic Plan and the focus areas of Liveability and Connectivity.

ATTACHMENTS

Attachment 1 - Building and Facilities Grant Application and Acquittal Form (Reticulation Upgrade)

Attachment 2 - Quote - ski club

Attachment 3 - Community Programs Grant Application and Acquittal Form_Wunan

12.4. CORPORATE SERVICES

12.4.1. 2024/25 Budget - Differential General Rates and Minimum Payments and Consideration of Public Submissions

DATE:	28 May 2024
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	FM.05.26
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

CEO Vernon Lawrence requested a change to the wording of Officer's Recommendation to state at item 1, "Notes no submissions were received from the general public or from UV Pastoral rating category in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy".

Cr B Robinson moved a motion to amend the wording of item 1 of the Officer's Recommendation to reflect that there were no submissions received.

OFFICER'S RECOMMENDATION 1

That Council:

- 1. Notes any submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the respondents for their input; and**
- 2. Notes that Budget efficiencies have been identified as part of the 2024/25 Budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption.**

AMENDED MOTION

COUNCIL DECISION

Minute Number: 28/05/2024 - 119019
Moved: Cr B Robinson
Seconded: Cr J Gooding

That Council:

- 1. Notes no submissions were received from the general public or from UV Pastoral rating category in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy; and**
- 2. Notes that Budget efficiencies have been identified as part of the 2024/25 Budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption.**

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

SUBSTANTIVE MOTION

COUNCIL DECISION

Minute Number: 28/05/2024 - 119020

Moved: Cr B Robinson

Seconded: Cr J Gooding

That Council:

- 1. Notes no submissions were received from the general public or from UV Pastoral rating category in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy; and**
- 2. Notes that Budget efficiencies have been identified as part of the 2024/25 Budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption.**

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

OFFICER'S RECOMMENDATION 2

That Council:

- 1. Endorse the 2024/25 Rating Model as follows, with the intention of striking the rates as part of the 2024/25 Budget adoption, subject to receiving Ministerial approval where required by legislation.**

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2024/25 \$
GRV	2,236	68,117,483	1,560	0.1265	13%	8,852,391
UV – Rural	447	151,100,237	1,560	0.0120	14%	1,841,505
UV - Pastoral	21	9,788,237	1,560	0.0614	0%	600,998
UV - Mining and Exploration	111	2,634,021	1,560	0.2911	44%	807,174
TOTALS	2,815	231,639,978			14%	
Total Budgeted Rates Revenue Raised						12,102,067

2. Requests the CEO, or their delegate to seek approval from the Minister for Local Government to approve the Shire of Wyndham East Kimberley applications to impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining category, in accordance with section 6.33(3) of the Local Government Act 1995.

COUNCIL DECISION

Minute Number: 28/05/2024 - 119021

Moved: Cr B Kyne

Seconded: Cr T Chafer

That Council:

1. Endorse the 2024/25 Rating Model as follows, with the intention of striking the rates as part of the 2024/25 Budget adoption, subject to receiving Ministerial approval where required by legislation.

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2024/25 \$
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GRV	2,236	68,117,483	1,560	0.1265	13%	8,852,391
UV – Rural	447	151,100,237	1,560	0.0120	14%	1,841,505
UV – Pastoral	21	9,788,237	1,560	0.0614	0%	600,998
UV – Mining and Exploration	111	2,634,021	1,560	0.2911	44%	807,174
TOTALS	2,815	231,639,978			14%	
Total Budgeted Rates Revenue Raised						12,102,067

2. Requests the CEO, or their delegate to seek approval from the Minister for Local Government to approve the Shire of Wyndham East Kimberley applications to impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining category, in accordance with section 6.33(3) of the Local Government Act 1995.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson,

Cr S Timms

Against: Nil

PURPOSE

For the Council to consider public submissions received in relation to the proposed rates in the dollar and minimum payments in accordance with section 6.36(4) of the *Local Government Act 1995* and to subsequently consider adopting the revised Council Policy *POL-2018 Strategic Rating*.

For Council to further endorse the proposed 2024/25 rate model following the updating of all unimproved property (UV) valuations to take effect from 1 July 2024.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Rates revenue is a substantial source of discretionary revenue for the Shire of Wyndham East Kimberley (The Shire), accounting for approximately 51% of the total operating revenue in the adopted 2023/24 Budget. The *Local Government Act 1995* (the Act) empowers local governments to impose differential general rates and minimum payments on rateable land.

The Shire has adopted a differential general rate and general minimum payments for a number of years. The imposition of differential rates is a conscious decision by the Council to distribute the rate burden in its district by imposing a higher impost on some ratepayers and a lower impost on others.

The overall objective of a rating model is to provide for the net funding requirements of the Shire's services, activities, financing costs and the current capital requirements to ensure that the infrastructure asset base of the Shire can provide the required services to the community. It also provides funding to ensure that there are contributions to the future capital requirements of the Shire as outlined in the Strategic Community Plan, Long Term Financial Plan, and Corporate Business Plan. Asset management is a significant challenge for all local governments and any rating model must also support asset renewal and replacement requirements in line with defined service levels.

In accordance with the Act, the Minister for Local Government is authorised to approve the following in relation to rates:

- The imposition of a differential general rate which is twice the lowest differential general rate imposed by a local government;
- A minimum payment on vacant land that does not comply with legislative provisions;
- Changes in the method of valuation of land; and
- Land exempt from rates.

The Department of Local Government, Sport and Cultural Industries has developed a range of policies and application forms to ensure that local governments provide all the necessary information.

The Council rescinded Policy *POL-2002 Strategic Rating* and adopted a new *POL-2018 Strategic Rating* at its 26 March 2024 Ordinary Council Meeting. This was done after taking advice from a process that commenced in 2023 where Officers engaged a consultant to undertake a strategic rating review. The aim was to ensure compliance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996*, and to ensure that the Shire's rating policy is implemented in accordance with the Department of Local Government, Sport and Cultural Industries' (DLGSC) Rating Policy and its key values of Objectivity, Fairness and Equity, Consistency, and Transparency, and Administrative Efficiency. Advice was also sought as to what was best practice for local government and where improvements could be made.

At Council Briefing sessions on 8 August 2023 and 7 March 2024, the consultant presented information on the general principles of rating, the legislative framework, the Shire's current rating structure and history, The DLGSC Rating Policy, and alternative rating structures.

Rates are calculated by multiplying the valuation (either GRV or UV), provided by Landgate (the Valuer General), with a rate in the dollar, imposed by the Council. When Landgate perform a general revaluation of properties, Council can adjust the rate in the dollar to offset significant fluctuations in valuations in order to maintain the overall rate yield (amount of rates collected) and preserve the rate yield per category. This is the "rate increase" and is generally subject to much community comment. Please note that this does not mean that the rate in the dollar will increase uniformly.

Advertising of Proposed Differential Rates and Minimum Payments

At the 23 April 2024 Ordinary Council Meeting, Officers presented a Rating Model for the 2024/25 financial year recommending Council endorse, for the purpose of advertising, a 5.0% increase in the rate in the dollar across all rating categories. Because of the simplification of

the model a comparison between rating categories cannot be made. The model approved by Council would be expected to yield a gross take of \$12,208,181 which is an increase of \$583,403 over the 2023/24 budgeted revenue.

COUNCIL DECISION

Minute Number: 23/04/2024 - 119010

Moved: Cr M Dear

Seconded: Cr B Robinson

That Council:

1. Endorse the proposed 2024-25 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter reporting to Council before striking the rates as part of the 2024-25 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2024/25 \$
GRV	2,236	68,117,483	1,575	0.1277	17%	8,936,424
UV – Rural	447	151,100,237	1,575	0.0121	14%	1,856,977
UV - Pastoral	21	9,788,237	1,575	0.0620	0%	606,871
UV - Mining and Exploration	111	2,634,021	1,575	0.2911	44%	807,909
TOTALS	2,815	231,639,978			14%	
<i>Total Budgeted Rates Revenue Raised</i>						12,208,181

2. Endorse for advertising for a minimum of twenty-one (21) days and seek public submissions on:
 - a. The Objects and Reasons (Attachment 1) for the proposed Differential Rates and Minimum Payments incorporated within the 2024-25 Rating Model;
 - b. The 2024-25 Rating Model (Attachment 2) along with the proposed Differential Rates and Minimum Payments to be applied from 1 July 2024 for the 2024-25 financial year in accordance with section 6.36 of the Local Government Act 1995.

Carried / Lost: 7/0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr B Kyne, Cr C McNeil, Cr B Robinson, Cr S Timms

Against: Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 6 – Disclosure of financial interests

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; or

- (b) an interest in the imposition of any rate, charge or fee by the local government; or
- (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...

Local Government Act 1995

Part 6

Division 6 – Rates and service charges

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 under a local planning scheme in force under the Planning and Development Act 2005;
 - (b) the predominant 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 the 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.

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.

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.

6.45. Options for payment of rates or service charges

- (6) 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.
- (7) 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.
- (8) 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.
- (9) Regulations may —
- (a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and
 - (b) prescribe circumstances in which payments may or may not be made by instalments; and
 - (c) prohibit or regulate any matters relating to payments by instalments; and
 - (d) provide for the time when, and manner in which, instalments are to be paid; and
 - (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.

[Section 6.45 modified: SL 2020/57 1M.]

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* Absolute majority required.

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.

Local Government (Financial Management) Regulations 1996

52A. Differential general rates — s. 6.33(1)(d)

6.33 (1)(d) For the purposes of section 6.33(1)(d), the following are prescribed characteristics —

(a) whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);

(b) whether or not the land is situated in a particular part of the district of the local government.

POLICY IMPLICATIONS

The proposed differential general rates and minimum payments in the rate model are based on the principles outlined in Council Policy *POL-2018 Strategic Rating*.

FINANCIAL IMPLICATIONS

The differential general rates, minimum payments, and proposed concessions as per the rating model outlined above and in Attachment 2 are expected to yield gross rate revenue of \$12,102,067. This is an increase of \$477,289 or 4% over the 2023-24 Budgeted revenue.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the Strategic Community Plan 2023-2033:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.3: Advocacy - Strong and consistent advocacy for local needs and priorities

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation.

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Control: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

In accordance with legislative requirements a public notice of the proposed rates in the dollar was advertised for a period of 21 days seeking public submissions.

Public notification will include the following:-

- Local public notice in the Kimberley Echo on 2 May 2024;

- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25 placed on the Coles noticeboard on 1 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25 placed on the IGA noticeboard on 1 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25 placed on the Wyndham Post Office noticeboard on 1 May 2024;
- The Shire's Facebook page and website on 1 May 2024;
- Media Release on 1 May 2024; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25, including the Objects and Reasons for the Differential Rates and Minimum Payments placed on the Shire's website, public notice boards at the Civic Centres and Libraries in both Kununurra and Wyndham on 1 May 2024.

COMMENTS

Submissions received

Zero (0) Rates Submission were received in relation to the advertised Proposed Differential Rates and Minimum Payments for 2024/25 at the time of writing this report. Any submissions received by the Shire prior to the closing time of 4.00pm, Friday 24 May 2024 will be made available to Councillors at the time of publishing the Ordinary Council Meeting agenda. Any submissions received between the the closing time and the Ordinary Council Meeting will be made available to Councillors at the Ordinary Council Meeting:

Rate setting process

The rate setting process is governed by the Council Policy *POL-2018 Strategic Rating*. (the Policy). The rate setting formula is essentially a simple one whereby the amount of rates a property pays is determined by applying a rate in the dollar to the value assigned to the property. However, both parts of this equation have variable aspects to them and these are laid out in the Policy.

The Policy allows for the rate in the dollar to be determined on a differential basis. The Shire rates different land uses differently and also employs the use of minimum rates.

In determining the rate yield (amount of rates collected) "natural growth" is one of the first components considered. It is determined by applying the prior year rate in the dollar to the rates base as amended before any general revaluation is factored in. For the current year the Shire has had a general revaluation as well as a simplification of the rating categories. The determination of natural growth cannot be accurately determined under these circumstances. The estimate for natural growth is negligible as there was only an increase of 13 rateable properties since 2023/24.

Rate Concessions:

Due to the simplification of the model a rating concession for a single property may need to be considered by Council as the Shire Administration considers that the basis of valuation is not consistent with other properties within the rating category. Shire Officers will contact the ratepayer concerned before rates notices are sent advising of the circumstances and the process to apply for a rating concession.

Determining a proposed rate in the dollar

While a proposed increase in the rate in the dollar is generally subject to the most scrutiny, there are other aspects of setting the rate in the dollar that need to be highlighted. It is critical to note that the change to the actual rate in the dollar is only one factor in the rate setting process. Other factors include changes to the rates base. These can be changes to the total number of rateable properties, the mix between each rating category and the change in values placed on properties within each rating category. The changes in property values can happen on an incremental basis or on a periodic basis as part of a general revaluation of municipal properties. The Shire had a general revaluation of municipal properties which will have an effect on the rate in the dollar. It is the combination of these factors that will have to be taken into account in assessing their impact on the rate in the dollar before assessing what increase to apply. The Shire attempts to ensure that the actual dollar value that a ratepayer pays increases as close to the increased percentage as possible.

In developing the 2024-25 Annual Budget officers consider what overall percentage increases should be applied to Rates. Both the Consumer Price Index (CPI) and Local Government Cost Index (LGCI) are considered along with regional factors that affect the cost of maintaining infrastructure and providing services in line with community expectations.

Consumer Price Index

The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a 'basket of goods' measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that local governments incur in delivering services. This index does however provide an indication of the impact of rising prices on household income and the state of the economy in broad terms. The Perth CPI increase for the 12 months to March 2024 was 3.4%.

Local Government Cost Index

The LGCI is based on the 'bundle of goods' relating to local government incorporating ten cost components which provide a more accurate indicator of cost movements affecting local governments. The Shire utilises the LGCI forecasts in the Western Australian Local Government Association's Local Government Economic Briefings. The 12 month March to March data is as follows:

Financial Year	Local Government Cost Index	Average Rate Yield Increase	Differential
2022-23	4.4%	1.65%	-2.75%
2023-24	3.9%	3.5%	-0.40%
2024-25	3.1%	4.0%	+0.90%
Total	11.4%	9.15%	-2.25%

Shire Officers also need to consider surrounding circumstances such as the state of the local economy and neighbouring districts when considering their rate in the dollar and any proposed increase. Rates levied across other Kimberley Shire's have also been regarded and with all things considered Officers consider the Shire's rating levels to be fair and reasonable.

Impact of the 2023 UV Valuation Roll

All properties valued on an Unimproved Valuation basis are revalued annually by the Valuer General's Office (VGO). These revaluations are usually conducted in August each year with the new valuations taking effect from 1 July of the following year. Council usually adopts the rate in the dollar for advertising in March or April each year prior to the new valuation roll being received. In May, the new valuations are incorporated into the final rate model for adoption by Council with the annual budget in June. Any changes to the rate in the dollar required to ensure the budgeted yield from each rating category is maintained are generally minor and are implemented following the public submission period.

The annual 2024 UV Mining and Rural UV valuation rolls were received from the VGO on 23 April 2024 and 29 April 2024 respectively and have been incorporated into the updated rate model provided in Attachment 2. Minor changes to the Rates in the Dollar have been made to ensure that the average increase and the desired rate yield for each rate category is achieved as per the advertised model.

Rating Models

Shire Officers have undertaken modelling using various rates. The model shown in the Attachment is one with a rate increase to yield an additional 4.0% in funding over the revised rating categories and a minimum payment of \$1,560 on all rate categories. This will provide additional funds to maintain current service levels. Over the past 3 years the LGCI has increased by a cumulative total of 11.4% while rates will have increased by a total of 9.15%. While the rate increase of 4.0% is greater than the forecast LGCI of 3.1% the Shire increases are below the average for the last 3 years. The increase in the forecast average cost of delivering Shire services over the last 3 years still require the Shire to examine its cost structures to ensure that it is efficient in the delivery of its services.

Budget Efficiencies

The increasing cost of maintaining Shire infrastructure and providing services without a corresponding increase in rates revenue over several years has required Shire officers, as part of the annual budget process, to critically evaluate the expenditure estimates for efficiencies and possible savings, and to prioritise expenditure. The process of identifying efficiency gains is ongoing and Shire officers continue to seek to provide better value for money for the rates the community pays. The current economic environment and rapidly increasing costs makes this even more important and officers have worked diligently to ensure that the 2024-25 budget when finalised will reflect efficiency gains that have been identified which include:

- Capping CPI salary increases at 2%.
- Reviewing all staff positions when they become vacant to ensure they still meet operational and service delivery requirements.
- Reviewing the condition and replacement cost of all assets to ensure accurate asset management planning occurs, that replacements are prioritised according to need, and that depreciation expenses are accurately calculated.
- Updating Asset Management Plans in line with the above.
- Identifying works that can be undertaken in house and revising works programs accordingly.
- Reviewing and updating work schedules to ensure the best utilisation of resources.

- Acquiring plant to self perform works previously contracted out. This has progressed now to include a street sweeper, footpath sweeper, jet patcher, multi-wheeled roller and an excavator.
- Reviewing customer service processes and systems to ensure that services are provided in the most efficient and effective manner thereby reducing costs.
- Reviewing procurement policies and processes to ensure that goods and services procured continue to provide the best value for money possible for the community
- Using local suppliers where possible to reduce mobilisation and freight costs.

Other Factors

Shire Officers recognise that the Shire does have relatively high rates. Some of the factors that lead to having higher rates are unavoidable, however the Shire needs to continue to address the cost of service delivery aspects of the operation thoroughly to ensure that rate increases continue to be moderate. The Shire has embarked on a strategy of seeking funding for major capital works projects such as the upgrades at the East Kimberley Regional Airport and the redevelopment of the swimming pools at the Kununurra Leisure Centre. These upgrade will require additional funding in the development, construction and operations phases. The Shire has also started to invest in plant and equipment to self perform certain tasks. While this is incremental it is envisaged that this will assist in helping keep rate increases to moderate level in future years.

The Shire continues to progress its asset management capacity. While we are not at the mature stage yet of compiling detailed forward capital works programs, backlogs have been identified and are being addressed on a priority basis as funding and capacity to self perform improve.

Shire Officers also need to consider surrounding circumstances such as the state of the local economy and neighbouring districts when considering their rate in the dollar and any proposed increase. Rates levied across other Kimberley Shire's have also been regarded and with all things taken into account the proposed rating levels are considered to be fair and reasonable.

Summary

The rating model outlined above and in Attachment 2 considers a range of factors in determining the rate in the dollar. The revenue that the proposed rate in the dollar will raise will be sufficient for the Shire to meet its statutory obligations and maintain Shire services at current service levels. Shire Officers further consider that an average rate increase of 4.0% is consistent and reasonable in the circumstances.

ATTACHMENTS

Attachment 1 - Council Policy POL-2018 Strategic Rating

Attachment 2 - Rating Model 2024-25 - 4%

12.4.2. Commonwealth Bank - Mortgage to Secure Overdraft Facility

DATE	28 May 2024
AUTHOR	Executive Officer to the CEO
RESPONSIBLE OFFICER	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO	A2617
FILE NO	TBA
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Funder - provide funds or other resources Leader - plan and provide direction through policy and practices Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the mortgage document in Attachment 1 is required to provide security for a banking overdraft facility for the Shire of Wyndham East Kimberley with the Commonwealth Bank of Australia; and**
- 2. Authorise the Chief Executive Officer to sign the mortgage document in Attachment 1 on behalf of the Shire and affix the Common Seal thereto.**

COUNCIL DECISION

Minute Number: 28/05/2024 - 119022

Moved: Cr B Robinson

Seconded: Cr J Gooding

That Council:

- 1. Notes the mortgage document in Attachment 1 is required to provide security for a banking overdraft facility for the Shire of Wyndham East Kimberley with the Commonwealth Bank of Australia; and**
- 2. Authorise the Chief Executive Officer to sign the mortgage document in Attachment 1 on behalf of the Shire and affix the Common Seal thereto.**

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

PURPOSE

For Council to consider and authorise the Chief Executive Officer to sign on behalf of the Shire the mortgage document in Attachment 1 and apply the Common Seal to the document.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire is in the process of migrating its banking facilities from BankWest to the Commonwealth Bank due to BankWest ceasing its operations. BankWest is controlled by the Commonwealth Bank and so the migration of the account is essentially a change in service provider within the same organisation. However, for legal purposes they require all documentation to be updated and this includes the provision of security for the overdraft facility the Shire requires as and when it is needed to facilitate its cash flow requirements.

STATUTORY IMPLICATIONS

The power of a local government to be able to obtain credit is governed under section 6.20 and section 6.21 of the Local Government Act, 1995. The relevant sections are listed below.

6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
- (a) *borrow or re-borrow money; or*
 - (b) *obtain credit; or*
 - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*
- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*
- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
 - (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*
- * Absolute majority required.*
- (4) *A local government is not required to give local public notice under subsection (3) —*
- (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

6.21. Restrictions on borrowing

- (1) *Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —*

- (a) *by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or*
 - (b) *by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or*
 - (c) *by a participant giving security over its general funds to the extent agreed by the participant.*
- (1a) *Despite subsection (1)(a) and (c), security cannot be given over —*
- (a) *the financial contributions of a particular participant to the regional local government's funds; or*
 - (b) *the general funds of a particular participant, if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.*
- (2) *Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.*
- (3) *The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.*
- (4) *In this section and in section 6.23 —*
- general funds** *means the revenue or income from —*
- (a) *general rates; and*
 - (b) *Government grants which were not given to the local government for a specific purpose; and*
 - (c) *such other sources as are prescribed.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.3: Advocacy - Strong and consistent advocacy for local needs and priorities

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

RISK: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

CONTROL: Controls include adequate annual budgeting, monthly financial reporting to Council, annual audits conducted by the Office of the Auditor General.

FINANCIAL IMPLICATIONS

The financial implications are only relevant when the overdraft facility is required. This occasion is infrequent and is only used when there is a timing difference between the expenditure on major capital works and the maturing of investments of municipal and reserve funds. Interest will be charged for the period the facility is used but this is generally only for short periods of time. The current interest rate applicable to the overdraft is 8.8%.

Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Shire having an overdraft facility is normal business practice. The requirement of a financial institution requiring security for providing this facility is also normal business practice. The security asked for is over the general funds of the council which is in line with the provisions of section 6.21(2) and (4). The overdraft facility is set at \$2,5 million and this is consistent with the facility the Shire has had in the last 5 years. Of note to Council is that the facility has only been used when large capital works programs are undertaken and the Shire is reimbursed after expenditure has been incurred. The latest occurrence of this was for the aprons and taxiways project at the East Kimberley Regional Airport. Shire Officers anticipate that this facility will be used again when the runway extension and the swimming pool upgrade are underway at the same time.

ATTACHMENTS

Attachment 1 – Commonwealth Bank - Mortgage Security Document

12.4.3. 2024-25 Budget - Schedule of Fees and Charges

DATE:	28 May 2024
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Meredith Blair, Manager Finance
FILE NO:	FM.05.26
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Pursuant to section 6.16 and 6.18 of the *Local Government Act 1995*, adopt the proposed Schedule of Fees and Charges for 2024-25 outlined in attachment 1 to be effective from either 1 July 2024 or 1 January 2025, whichever date is applicable as indicated in the attachment; and**
- 2. Request the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2024-25, to apply from 1 July 2024 or 1 January 2025 as applicable, in accordance with section 6.19 of the *Local Government Act 1995*; and**
- 3. Pursuant to Section 6.13 of the *Local Government Act 1995*, adopt an interest rate of 9% to be applied to any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy POL-2009-Sundry Debt Collection, subject to:
 - a. This interest rate will not be applicable to a person who is considered to be suffering financial hardship in accordance with Council Policy POL-2016 Financial Hardship - Rates and Sundry Debtors.****

COUNCIL DECISION

Minute Number: 28/05/2024 - 119023

Moved: Cr T Chafer

Seconded: Cr B Kyne

That Council:

- 1. Pursuant to section 6.16 and 6.18 of the *Local Government Act 1995*, adopt the proposed Schedule of Fees and Charges for 2024-25 outlined in attachment 1 to be effective from either 1 July 2024 or 1 January 2025, whichever date is applicable as indicated in the attachment; and**
- 2. Request the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2024-25, to apply from 1 July 2024 or 1 January 2025 as applicable, in accordance with section 6.19 of the *Local Government Act 1995*; and**
- 3. Pursuant to Section 6.13 of the *Local Government Act 1995*, adopt an interest rate of 9% to be applied to any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy POL-2009-Sundry Debt Collection, subject to:
 - a. This interest rate will not be applicable to a person who is considered to be suffering financial hardship in accordance with Council Policy POL-2016 Financial Hardship - Rates and Sundry Debtors.****

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

PURPOSE

For Council to review the proposed Schedule of Fees and Charges for 2024-25 to commence from 1 July 2024 or 1 January 2025 whichever is applicable.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council adopts the Schedule of Fees and Charges on an annual basis in accordance with section 6.16(1) of the *Local Government Act 1995*. In terms of this section the Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed. The Council has approximately 500 different fees and charges. Some of these fees and charges can be implemented from 1 July 2024 and it is therefore recommended that the proposed Fees and Charges are adopted prior to the adoption of the annual budget.

All Fees and Charges have been reviewed by Council Officers with recommended changes incorporated in the proposed Schedule of Fees and Charges. If adopted these Fees and Charges will be used by Shire officers when compiling the 2024-25 Annual Budget.

At the Ordinary Council Meeting on 26 March 2024 Council adopted the reviewed Council Policy *POL-2006 Fees and Charges Pricing*. This policy outlines the principles and pricing basis methodology for the setting of Fees and Charges for the 2024-25 financial year.

The Schedule of Fees and Charges for the 2024-25 financial year was adopted incorporating an average increase of 5%. This followed a 2.5% increase for the 2022-23 financial year.

Council Decision

Minute Number: 21/03/2023 - 118803

That Council adopts the reviewed CP-FIN-3211 Fees and Charges Pricing Policy.

Moved: Cr McNeil

Seconded: Cr Dear

Decision: 8/0

Council Decision

Minute Number: 26/04/2022 - 118635

That Council:

1. Pursuant to section 6.16 and 6.18 of the Local Government Act 1995, adopt the proposed Schedule of Fees and Charges for 2022/23 outlined in attachment 1 to be effective from either 1 July 2022 or 1 January 2023, whichever date is applicable as indicated in the attachment; and
2. Request the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2022/23, to apply from 1 July 2022 or 1 January 2023 as applicable, in accordance with section 6.19 of the Local Government Act 1995; and
3. Pursuant to Section 6.13 of the Local Government Act 1995, adopt a reduced interest rate of 7% to be applied to any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN- 3214-Sundry Debt Collection, subject to:
 - a. This interest rate cannot be applied to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.

Moved: Cr Kyne

Seconded: Cr Dear

Decision: 8/0

Council Decision

Minute Number: 28/06/2022 - 118676

That Council:

1. Pursuant to section 6.16 of the Local Government Act 1995, adopt the amended Schedule of Fees and Charges for 2022/23 outlined in Attachment 2 to be effective from either 1 July 2022 or 1 January 2023, whichever date is indicated in Attachment 2.

Moved: Cr D Menzel

Seconded: Cr B Kyne

Decision: 7/0

Council Decision

Minute Number: 28/06/2022 - 118679 – 118494

That Council:

1. Pursuant to section 6.13 and amendments SL 2020/57, SL 2021/66 and SL 2022/107 to section 6.13 of the Local Government Act 1995 impose an interest rate of 7.0% per annum to be applied to any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN-3214 Sundry Debt Collection.
2. Pursuant to amendments SL 2020/57, SL 2021/66 and SL 2022/107 to section 6.13 of the Local Government Act 1995, resolve that the requirement to pay interest on any amount of money (other than rates and services charges) which is owed to the Shire does not apply to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.

Moved: Cr T Chafer
 Seconded: Cr B Kyne

Decision: 7/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, Division 2 – Annual Budget

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

(4) The annual budget is to incorporate —

(c) the fees and charges proposed to be imposed by the local government...

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

Subdivision 2 - Fees and charges

6.16 Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed* during a financial year; and

(b) amended* from time to time during a financial year.

* Absolute majority required.

6.17 Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods; and

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited

service or supply of goods if it is requested that the service or goods be provided urgently.
(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

(a) under section 5.96; or

(b) under section 6.16(2)(d); or

(c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

(4) Regulations may —

(a) prohibit the imposition of a fee or charge in prescribed circumstances; or

(b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

19A. Maximum rate of interest prescribed (Act s. 6.13(3))

The maximum rate of interest to be imposed under section 6.13(1) is prescribed as 11%.

Local Government Act 1995

Part 6, Division 4 — General financial provisions

6.13 Interest on money owing to local governments

(1) Subject to any other written law, a local government may resolve* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —

(a) that person owes to the local government; and

(b) has been owed for the period of time referred to in subsection (6).

* Absolute majority required.

(2) A resolution under subsection (1) is to be included in the annual budget.

(3) 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.

(4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.

(5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.

(6) A local government is not to impose interest on any amount of money under subsection

(1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.

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

[Section 6.13 modified: SL 2020/57 1M.]

Local Government Act 1995

Part 10 - Provisions for COVID-19 pandemic

10.3. Modification or suspension of provisions of Act or regulations

(1) The Minister may, by order, modify or suspend the operation of —

(a) specified provisions of this Act (other than provisions of this Part); or

(b) specified provisions of regulations made under this Act.

(2) The Minister can make an order under subsection (1) only if each of the following conditions is satisfied —

(a) the order is made while a COVID emergency declaration is in force;

(b) the Minister considers that the order is necessary to deal with consequences of the COVID-19 pandemic.

(3) Unless sooner revoked under section 9.65(2), an order made under subsection (1) is revoked at the end of —

(a) the last day of the period of 3 months beginning on the day on which the COVID emergency declaration referred to in subsection (2)(a) is revoked or otherwise ceases to have effect; or

(b) any earlier day specified in the order.

Local Government (COVID-19 Response) Order 2020

The Local Government (COVID-19 Response) Order 2020 ceased to have effect from 4 February 2023 in accordance with section 10.3(3)(a) above following the end of the State of Emergency in Western Australia on 4 November 2022. All provisions under the The Local Government (COVID-19 Response) Order 2020, the Local Government (COVID-19 Response) Amendment Order 2021 and Local Government (COVID-19 Response) Amendment Order 2022 relating to the maximum rate of interest that can be charged and the charging of interest for persons considered to be suffering financial hardship under Section 6.13 of the Local Government Act 1995 are no longer in effect. The previous provisions of Section 6.13 will apply for the 2023-24 financial year.

POLICY IMPLICATIONS

The following policies are relevant:

POL-2006 Fees and Charges Pricing Policy

POL-2007 Rates and Charges Debt Collection

POL-2009 Sundry Debt Collection

POL-2016 Financial Hardship - Rates and Sundry Debtors

STRATEGIC IMPLICATIONS

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.3: Advocacy - Strong and consistent advocacy for local needs and priorities

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation.

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Annual financial audit.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Controls: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

FINANCIAL IMPLICATIONS

The setting of fees and charges for 2024-25 has a minor impact on the current financial year in relation to costs associated with implementing the changes to be effective from 1 July 2024. It has significant financial implications for the 2024-25 financial year and the setting of the Annual Budget for 2024-25.

Fees and Charges revenue for the 2023-24 financial year are forecast to be approximately \$9.0m. In the draft budget for 2024-25 the estimated Fees and charges are forecast to be \$9.7m. The mix of these charges are as follows:

- Airport Charges - \$5m
- Waste Charges - \$3m
- Lease Income - \$0.7m
- Other Fee income - \$1.0m

For the vast majority of fees and charges the increase has been 5%. The exception to this is where there are statutory charges and for waste charges where the increase in the weekly bin service is suggested to be 10%. The reason for this is the landfills are reaching the end of life and there is a need to provide more adequately for closure costs and to provide for a co-contribution to fund a new landfill site. The additional funds will be quarantined in the Waste Reserve.

A comparison of the 2024-25 fees against the 2023-24 fees is presented in attachment 2.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Community Engagement Guidelines and will include:

- Shire officers responsible for fees and charges;
- Councillor briefing conducted during May 2024;
- Feedback from the community will be considered after local public notice has been given;

- Where material changes are made to fees and charges, notices to current debtors who may be affected will be given.

COMMENTS

Determining the proposed Fees and Charges

The proposed Schedule of Fees and Charges 2024-25 has been compiled with reference to Council Policy CP/FIN-3211 Fees and Charges Pricing. The policy acknowledges that there are competing priorities between community service obligations, maintaining infrastructure and ensuring that the community is not unduly burdened. It further acknowledges that there are fees in which the Shire has no discretion as they are regulatory fees set by other legislation. In setting the Fees and Charges, Shire officers attempt to ensure that a fair balance is maintained between the service levels provided, the cost of providing those services and the extent of subsidising the services provided.

Consumer Price Index

A significant factor in setting Fees and Charges is deciding what increment to implement. Traditionally this has been determined with reference to the Consumer Price Index (CPI). This index is not a good measure of the change in the cost of doing business for local government. The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a 'basket of goods' measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that the Shire incur in delivering our services. This index does however provide an indication of the impact of rising prices on household income and the state of the economy in broad terms. The Perth CPI increase for the 12 months to March 2024 was 3.4% and the weighted average of Australian Capital cities was 3.6%

Local Government Cost Index

A more accurate measure of the Shire's cost profile is the Local Government Cost Index (LGCI). This index is based on the 'bundle of goods' relating to local government incorporating ten cost components which provide an accurate indicator of cost movements affecting local governments. The LGCI therefore provides an indication of those changes in costs that relate more closely to the function of local government. The Shire utilises the LGCI forecasts in the WALGA Local Government Economic Briefings. The March 2024 briefing reports an actual increase for 2022-23 of 4.4% with the biggest increase occurring in Machinery and Equipment (11.5%), Insurance (12.4%), and Materials and Contracts (4.3%). The forecast increases for 2023-24 and 2024-25 are 3.9% and 3.1% respectively.

Proposed Schedule of Fees and Charges

The proposed Schedule of Fees and Charges for 2024-25 includes an average increase of 5.0% except for waste receptacle service which is suggested to be 10%. Shire officers consider this to be a reasonable increase that balances the need to keep fees increases at a reasonable level while covering the increasing cost of operating in the current economic environment. This proposed increase follows increases of 2.5% in 2022-23, and 5% in 2023-24 against LGCI increases of 4.4% and 3.9% (forecast) respectively. The forecast LGCI for 2024-25 is 3.1%.

The above charges will not apply to Ratepayers and Sundry Debtors who qualify under Council Policy POL-2016 Financial Hardship - Rates and Sundry Debtors.

ATTACHMENTS

Attachment 1 - Schedule of Fees and Charges 2024-25 for Adoption

Attachment 2 - Schedule of Fees and Charges comparison 2024-25 against 2023-24

12.4.4. Monthly Financial Report

DATE:	28 May 2024
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	FM.09.36
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Report for the period ended 30 April 2024.

COUNCIL DECISION

Minute Number: 28/05/2024 - 119024

Moved: Cr M Dear

Seconded: Cr T Chafer

That Council receives the Monthly Financial Report for the period ended 30 April 2024.

Carried / Lost: 8/0

**For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson,
Cr S Timms**

Against: Nil

PURPOSE

For Council to receive the Monthly Financial Report for the period ended 30 April 2024.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 27 June 2023 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 27/06/2023 - 118865

That Council, pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$50,000 at financial statement level.

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision 8/0

The above materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

(2) The financial report is to —

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996, Regulation 34.

34. Financial activity statement required each month (Act 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 the previous month (the **relevant 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); and

(b) budget estimates to the end of the relevant month; and

(c) actual amounts of expenditure, revenue and income to the end of the relevant month; and

(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 relevant month and a note containing a summary explaining the composition of the net current assets.

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

(2) Each statement of financial activity is to be accompanied by documents containing —

(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 must be shown according to nature classification.

(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 relevant month; 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.

[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]

35. Financial position statement required each month

(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —

(a) the financial position of the local government as at the last day of the previous financial year; or

(b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.

(2) A statement of financial position must be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and

(b) recorded in the minutes of the meeting at which it is presented.

[Regulation 35 inserted: SL 2023/106 r. 20.]

POLICY IMPLICATIONS

The Significant Accounting Policies incorporated within the 2023/24 annual budget have been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's *POL-3000 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required in relation to this item.

COMMENTS

Changes to the *Local Government (Financial Management) Regulations 1996* effective for the 2023/24 financial year mean the reporting requirements for the Monthly Financial Reports have changed with additional information required to be reported including a Statement of Financial Position (Balance Sheet) and an explanation of Net Current Assets.

Moore Australia has prepared the attached Monthly Financial Report in accordance with the amended regulations.

ATTACHMENTS

Attachment 1 - Monthly Financial Report April 2024

12.4.5. List of Accounts Paid From Municipal Fund and Trust Fund

DATE:	28 May 2024
AUTHOR:	Accountant - Assets, Creditors and Tax
RESPONSIBLE OFFICER:	Meredith Blair, Manager Finance
FILE NO:	FM.09.36
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the lists of accounts paid from the Municipal and Trust funds for April 2024 being:

April 2024	
Municipal EFT 148405 - 148536 (04/04/24 - 26/04/24)	\$ 1,161,785.28
Payroll (01/04//24 - 29/04/24)	\$ 594,413.88
Direct Bank Debits (02/01/24 - 23/01/24)	\$ 27,330.25
Total	\$ 1,783,529.41

COUNCIL DECISION

Minute Number: 28/05/2024 - 119025

Moved: Cr T Chafer

Seconded: Cr B Kyne

That Council receives the lists of accounts paid from the Municipal and Trust funds for April 2024 being:

April 2024	
Municipal EFT 148405 - 148536 (04/04/24 - 26/04/24)	\$ 1,161,785.28
Payroll (01/04//24 - 29/04/24)	\$ 594,413.88
Direct Bank Debits (02/01/24 - 23/01/24)	\$ 27,330.25
Total	\$ 1,783,529.41

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

PURPOSE

For Council to receive the list of accounts paid from the Municipal Fund and Trust Fund in order to meet the requirements of the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register, which was adopted by Council on 27 September 2022, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached report includes these payments.

Local Government Act 1995 - Section 5.42 Delegation of some power 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 —*

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** 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.

Local Government (Financial Management) Regulations 1996 - Regulation 5. CEO's duties as to financial management (in part)

(1) Efficient systems and procedures are to be established by the CEO of a local government —
(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

Regulation 11. Payments, procedures for making etc.

(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 subregulation (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; and*
- (ii) the authority for the payment; and*
- (iii) the identity of the person who authorised the payment.*

(4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

Regulation 12. Payments from municipal fund or trust fund, restrictions on making.

(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 resolution of the council.

Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.

(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; and
(b) the amount of the payment; and
(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; and
(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 subregulation (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.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

- (a) the payee's name;
(b) the amount of the payment;
(c) the date of the payment;
(d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must 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.

[Regulation 13A inserted: SL 2023/106 r. 6.]

POLICY IMPLICATIONS

Shire of Wyndham East Kimberley Delegation Register 2022-2023 Sub-delegation 6 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with Council Policy POL-2004 Purchasing.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made, as well as to comply with legislative requirements.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; the amount of the payment; the date of the payment, and sufficient information to identify the transaction. The list is to be presented to Council at the next Ordinary Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented as required by the applicable regulations.

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached Lists of Accounts Paid include these payments.

ATTACHMENTS

Attachment 1 - List of Accounts Paid April 2024

12.5. INFRASTRUCTURE

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

16. MATTERS BEHIND CLOSED DOORS

Nil

17. CLOSURE

The meeting was declared closed at 5:59pm