



Shire of
Katanning
Heart of the Great Southern

'Katanning is a safe, sustainable and prosperous community.
We respect and celebrate our diverse culture.'

**MINUTES OF THE
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Wednesday 17 September 2025 at the Shire of Katanning's Council Chamber,
52 Austral Terrace, Katanning.

DISCLAIMER

Any applicant or members of the public is advised to wait for written advice from the Council before taking any action on an application or a Council decision.

PRESIDING MEMBER _____

DATE SIGNED _____

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PLEASE NOTE:

Council Meetings are recorded for accuracy of minute taking.

1. DECLARATION OF OPENING/ ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member declared the meeting open at 6:01pm.

Acknowledgement of Country

The Shire of Katanning acknowledges the Goreng Noongar people as the traditional custodians of the land that we live and work on. We recognise their cultural heritage, beliefs, and continuing relationship with the land and pay our respects to Elders past and present.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Kristy D'Aprile - President

Members: Cr Liz Guidera – Deputy President
Cr John Goodheart
Cr Matt Collis
Cr Ian Hanna
Cr Paul Totino
Cr Michelle Salter

Council Officers: Peter Klein, Chief Executive Officer
Graham Barnes, General Manager Operations
David Blurton, Executive Manager Corporate Services
Taryn Human, Executive Assistant to CEO
Nurul Abdullah, Senior Administrator

Gallery: Melvin Hettner

Media:

Apologies:

Leave of Absence:

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

President D'Aprile formally acknowledged the service of Councillors Guidera and Salter, recognising the significant sacrifices, dedication, and commitment demonstrated during their terms. She expressed appreciation for their contributions to Council and the community, extended her gratitude for their support throughout their tenure, and conveyed her best wishes for their future endeavours. Flowers were presented as a token of appreciation on behalf of Council.

4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

10.4.3	Cr Ian Hanna	Disclosure of Interest Affecting Impartiality
10.4.4	Cr Ian Hanna	Disclosure of Interest Affecting Impartiality
10.4.4	Cr Kristy D'Aprile	Disclosure of Interest Affecting Impartiality
12.1	Cr Matt Collis	Disclosure of Interest Affecting Impartiality
12.1	Cr Liz Guidera	Disclosure of Interest Affecting Impartiality

6. PUBLIC QUESTION/STATEMENT TIME

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**9.1 Ordinary Council Meeting – Wednesday 27 August 2025**
(SEE ATTACHED MINUTES)**Voting Requirement:** Simple Majority**MOVED: CR PAUL TOTINO****SECONDED: CR IAN HANNA****OC125/25 That the minutes of the Ordinary Council Meeting held on Wednesday
27 August 2025 are confirmed as a true record of proceedings.****CARRIED:7/0****FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR
MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO****AGAINST:NIL**

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 GENERAL MANAGER OPERATIONS

Nil.

10.2 EXECUTIVE MANAGER CORPORATE SERVICES

**10.2.1 Schedule of Accounts – August 2025
(ATTACHMENT)**

File Ref: FM.FI.4
Reporting Officer: Patrick Kennedy, Manager Finance
Date Report Prepared: 2 September 2025
Disclosure of Interest: No Interest to disclose.

Issue:
 To receive the Schedule of Accounts Paid for the period ending 31 August 2025.

Body/Background:
 This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

Below is a summary of the payments made for the financial year:

Month	Cheques 2025/26	EFT Payments 2025/26	Direct Debits 2025/26	Credit Card 2025/26	Payroll 2025/26	Total Payments 2025/26
July	\$3,479.90	\$1,038,558.66	\$129,657.91	\$9,080.42	\$364,302.86	\$1,545,079.75
August	\$578.00	\$1,596,393.93	\$301,498.65	\$7,885.55	\$253,211.73	\$2,159,567.86
September						
October						
November						
December						
January						
February						
March						
April						
May						
June						
Total	\$4,057.90	\$2,634,952.59	\$431,156.56	\$16,965.97	\$617,514.59	\$3,704,647.61

Officer's Comment:

The schedule of accounts for the month of August 2025 is attached.

Statutory Environment:

Local Government Act 1995.

6.8. Expenditure from municipal fund not included in Annual Budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications:

There are no direct policy implications in relation to this item.

Financial Implications:

Expenditure in accordance with s6.8 (1) (a) of the Local Government Act 1995.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR MATT COLLIS

OC126/25 That Council endorses the Schedule of Accounts as presented, being EFT payments 40097 - 40266 totalling \$1,596,393.93, Cheques 42516-42518 totalling \$578.00, Payroll payments totalling \$253,211.73 Direct Debit payments totalling \$301,498.65, Credit Cards (July) totalling \$7,885.55, all totalling \$2,159,567.86 authorised and paid in August 2025.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

10.2.2 Monthly Financial Report – August 2025 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: David Blurton, Executive Manager Corporate Services
Report Prepared: 9 September 2025
Disclosure of Interest: No Interest to disclose

Body/Background:

This item presents the Monthly Financial Report, which contains the 'Statement of Financial Activity' for the period ending 31 August 2025.

The report includes information which meets the statutory requirements of the Local Government Act and Financial Management Regulations. Other relevant financial information is provided to Elected Members to compare finance performance of the various business functions of the Shire against adopted budgets.

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% with a minimum value of \$10,000. Material variances between budgeted and actual expenditure are reported at Report 3 of the Monthly Financial Report.

Officer's Comment:

Below are the highlights for this reporting period:

Revenue from Operating Activities

- Rates YTD income is \$46,480 more than budget to the end of August 2025 as expected write offs (\$50,000) and concessions (\$5,000) are yet to apply. No interim rates have been raised yet for the 25/26 Financial Year.
- Fees and Charges are \$169,607 more than budget relating to \$61,544 final phase 3 LRCI payment incorrectly being classified as fees rather than grants. This amount was unbudgeted and will be included in Midyear budget review. Saleyard yarding fees to end of August are also \$85,165 more than budgeted. Refuse site disposal fees are \$13,608 less than budgeted.
- Operating Grants and Subsidies are \$349,862 more than budgeted which relates to Direct Grants received \$9,337 less than budget, Harmony festival grants \$11,666 less than budget and debt collection legal expenses reimbursement \$20,000 less than budget. General Purpose Grants and Untied Road Grants are \$403,343 more than budget as a result of the WA Grants Commission prepaying 50% grant entitlements in 24/25 rather than 75% as anticipated.
- Interest earned is \$50,806 less than budget as term deposits for both reserve and municipal funds held are yet to mature.

Expenditure from Operating Activities

- Depreciation expense is \$35,458 below budget.

- Employee costs are \$134,948 less than budgeted which relates mainly to salary costs for Administration staff \$15,032, Public Works Overhead staff \$22,036 both below budget. An accrued salaries journal of \$18,511 was processed in early July transferring expense to 24/25 financial year. Most other savings relate to road and footpath maintenance however hard waste collection is \$36,166 over budget.
- Materials and Contracts is \$157,429 less than budget. The following variances from budget are noted
 - Plant repairs and maintenance is \$10,874 more than budget
 - KAC Maintenance expense is \$39,181 more than budget. Unfortunately, the budget for refurbishment works on the pool was not carried over into 25/26. This will need to be considered in the 25/26 midyear budget review.
 - Plant costs from hard waste pickup are \$19,023 more than budget
 - Subscriptions and memberships are \$35,677 under budget relating to timing of payment.
 - Computer software subscriptions are \$45,455 under budget relating to timing
 - IT support is \$10,155 under budget.
 - Debt collection level costs are \$20,000 under budget.
 - Works program road maintenance is \$18,303 under budget.
 - Housing business Planning \$10,000 under budget
 - Material component for KLC Ovals and other reserves is \$49,127 under budget
 - Road Maintenance Materials \$24,431 under budget
 - Building program other recreation is \$15,137 over YTD budget
- Utility charges are \$29,320 under budget which comprises savings at KLC \$6,141, KAC (\$10,766) and fire prevention (\$8,051)
- Insurance cost is \$10,080 over budget relating to insurance allocations to KLC and Saleyards.
- Other expenditure is \$52,596 over budget relating to licencing costs \$11,570 over budget as this was expected to be paid in September 2025. Councillor donations of \$15,000 relating to the Katanning Agricultural Show (timing related).
- Non-Operating Grants are \$61,811 less than expected at end of August 25, relating to grant from the Katanning Early Childhood Centre (\$83,908 underbudget) however grants from Regional Road Group Funding is \$21,735 more than budgeted.
- Non-Operating Expenditure is \$1,002,978 less than expected for the following reasons;
 - BFB Shed \$66,660 under budget due to some delays in delivery of the project.
 - CESM Vehicle purchase \$29,000 under budget. Partners in the CESM agreement have elected to continue to lease a vehicle rather than purchase, so this will require a budget amendment in mid-year review

- Amherst Village Deposits \$91,197 more than anticipated relating to contractual arrangements in refunding share of profit for outgoing tenants.
 - Road infrastructure \$26,213 under budget
 - Early Childhood hub \$856,891 under budget. First claim was paid in August rather than July as anticipated putting claims one month behind the budgeted payment schedule.
 - Cemetery Improvements \$43,900 under budget due to some delays in project delivery.
 - Plant purchases \$66,500 underbudget due to timing.
- Surplus or deficit at the start of the financial year is well below budget reflecting prepayment of 50% of federal assistance grants rather than 75% as budgeted. The final surplus figure will not be known until the audit is complete and the difference between estimated and actual surplus will be considered in the midyear budget review process.
 - Rates collected to the end of 31/8/25 are well below the amount collected at the same time in 24/25. Officers are investigating the reasons for this and are in the process of revising the Council's rates collection procedures.

Statutory Environment:

Local Government Act 1995

Section 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.

Local Government (Financial Management) Regulations 1996.

Regulation 34 Financial activity statement required each month (Act s.6.4)

Regulation 34 of the Local Government (Financial Management) Regulations 1996 sets out the form and content of the financial reports which have been prepared and are presented to Council.

Policy Implications:

The Shire has several financial management policies. The finances have been managed in accordance with these policies.

Financial Implications:

There are no financial implications for this report.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR IAN HANNA

OC127/25

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Monthly Statement of Financial Activity for the period ending 31 August 2025, as presented.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Paul Totino spoke for the motion.

10.2.3 **Closed Circuit Television (CCTV) Policy** (ATTACHMENT)

File Ref: LS.AA.1
Reporting Officer: David Blurton, Executive Manager of Corporate Services
Date Report Prepared: 29 August 2025
Disclosure of Interest: No Interest to disclose

Issue: To consider the adoption of a CCTV Policy.

Body/Background: The Council's CCTV network comprises some 180 cameras plus associated infrastructure and software and the Council does not currently have a governance framework in place to guide the management and operation of its network.

A Memorandum of Understanding was signed with WA Police in 2016 to permit access to the CCTV network, however there is nothing in place to identify authorised users, how footage is accessed and by whom, how requests for footage are managed and other important considerations.

Officer's Comment: The adoption of a CCTV Policy is considered important to ensure that Council is effectively managing its risks regarding the use its CCTV network.

Given the level of investment in CCTV assets, Officers are also working on development of a CCTV strategy which will identify asset replacement over a ten-year period, potential expansion (or rationalisation). Officers intend to engage WA Police on the development of this strategy.

Adoption of a CCTV policy will provide overarching protocols and guidance to support the CCTV strategy and CCTV procedure which are both in development. Adoption of the policy as presented is strongly recommended.

Statutory Environment:

Commonwealth

Privacy Act 1988

Surveillance Devices Act 2004

State

Criminal Investigation Act 2006

Surveillance devices Act 1988

Security and related Activities 1996

Policy Implications:

N/A

Financial Implications: The following CCTV related assets are owned by the Council with figures reflecting historical purchase cost and current written down value.

- I19 – Regional Sheep Saleyards CCTV/ Security System \$317,635 (Written Down value \$114,839)
- E108 – CCTV Piesse and Prosser Parks \$99,536 (39,815)
- E94 – CCTV Cameras and wireless transmission system \$235,444 (\$40,718)

Risk Implications: This item has been evaluated against the Shire of Katanning’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low”.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Built Environment

Aspiration Katanning is a beautiful, well serviced place that invite people to stay.

Objective To provide well maintained public open spaces and facilities that promote active and passive recreation.

Voting Requirement: Simple Majority

Officer’s Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR MICHELLE SALTER

OC128/25 **That Council adopt the Closed-Circuit Television (CCTV) Policy, as presented.**

CARRIED:7/0

FOR: CR KRISTY D’APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Paul Totino spoke for the motion.

10.3 EXECUTIVE MANAGER COMMUNITY DEVELOPMENT

Nil.

10.4 CHIEF EXECUTIVE OFFICER'S REPORTS**10.4.1 WALGA AGM MOTIONS**

Reporting Officer: Peter Klein, Chief Executive Officer

Date Report Prepared: 1 September 2025

Body/Background:

The WALGA AGM is being conducted on 23 September 2025 at the Perth Convention Centre.

A total of five motions from member councils are being presented to the AGM and a position on each is required from the Katanning Council.

The relevant background information supplied by WALGA for each of these five motions and a Shire of Katanning officer's recommendation, follows:

10.4.1.1 PROVISION OF MEDICAL SERVICES IN REMOTE AND VERY REMOTE LOCAL GOVERNMENTS

Shire of Lake Grace to move:

MOTION

That WALGA calls on the Western Australian Government and WA Grants Commission to:

- 1. increase the Medical Facilities Cost Adjuster component of the Financial Assistance Grants to Local Governments; and**
- 2. recalculate distributions to those Local Governments in remote and very remote locations that are providing block cash payments to attract and retain general practitioners to allow affected Councils to redirect ratepayer funds to Local Government responsibilities.**

IN BRIEF

- Remote and very remote Local Governments are filling a critical gap in primary healthcare.
- The Medical Facilities Cost Adjuster under the Financial Assistance Grants in WA is calculated and distributed by the WA Grants Commission.
- The Adjuster does not reflect actual costs, leaving a significant funding gap for Local Governments.
- The Shire of Lake Grace is requesting block funding and a recalculation criterion to remote and very remote local governments, distributed via the Financial Assistance Grants (Medical Facilities Cost Adjuster).

MEMBER COMMENT

The Shire of Lake Grace is the lead Shire in the "Local Government Rural Health Funding Alliance" which also consists of the Shires of Gnowangerup, Jerramungup, Ravensthorpe, Narembeen, Jerramungup and Kojonup.

The Shire of Lake Grace, on behalf of the Alliance successfully presented a motion at the Australian Local Government Association (ALGA) National General Assembly, calling on the Australian Government to increase Financial Assistance Grants and recalibrate their distribution to better support rural councils funding general practitioner (GP) services. The motion was carried unanimously.

Remote and very remote Local Governments are filling a critical gap in primary healthcare. Local Governments are the third sphere of government yet are delivering on behalf of the State and Commonwealth. These Local Governments are stepping into primary healthcare provision due to insufficient Commonwealth and State financial support to GPs and specific incentives for remote and very remote communities. This is not their legislated responsibility, yet these six Local Governments are contributing over \$1.475 million annually in cash, plus housing, vehicles, and surgeries to attract and retain GPs where there is geographical isolation, small populations and diverse health needs.

The Medical Facilities Cost Adjuster under the Financial Assistance Grants in WA is calculated and distributed by the WA Grants Commission. It recognizes only 82% of a 3-year rolling average, capped at \$85,000—\$100,000. It does not reflect actual costs, which often exceed \$200,000—\$300,000 per GP per community. It then leaves a significant funding gap (e.g. Shire of Kojonup received \$0 despite spending \$250,000 as their contribution was paid a third party local not-for-profit to engage the GP and Practice).

The Shire of Lake Grace is requesting block funding and a recalculation criterion to remote and very remote local governments, distributed via the Financial Assistance Grants (Medical Facilities Cost Adjustor). This would reduce the unsustainable burden on ratepayer funds, ensure continuity of care and return ratepayer funds to core local government services.

These Local Governments are not creating the problem — rather they are solving it. They are collaborating regionally, implementing multi-site rural generalist models that require economies of scale as a group, and ensuring reasonable travel distances for locals to GPs. Without their intervention, communities would face worsening health outcomes and risks to their economic viability.

This motion aligns with the top four priorities identified by band 4 WALGA member Local Governments as requiring solutions in 2025.

The comparative Government health spend between major city residents and rural and remote Australia is \$848 per person less in the regions (NRHA). People in the bush are 2.9 times more likely to be hospitalized; 2.8 times more likely to be hospitalized for reasons that are potentially preventable and 2.7 times more likely to die from potentially avoidable causes¹

Life expectancy in remote areas, compared with major cities is 13 years less for males and 7 years for females.² Telehealth is not a viable substitute for resident GPs — it risks deskilling local clinicians and eroding continuity of care.

The Alliance of Councils has prepared a position paper to raise awareness and suggest a solution to attract and retain GPs in their rural and remote communities, where current Commonwealth and State government policy settings are inadequate.

Reference Document

- [January 2025 Position Paper — Provision of Remote GP Services](#)

SECRETARIAT COMMENT

Access to primary healthcare is the responsibility of the Australian and State Governments. In some rural and remote areas, the current health system does not provide equitable service. Access to primary health is a critical issue for a large proportion of WALGA members. Local Government support of primary healthcare services creates a financial impost and diverts funding from other Local Government services and functions.

In 2023, WALGA commissioned Rural Health West (RHW) to survey WA Local Governments to determine the extent to which Local Governments were providing financial or in-kind support to secure primary healthcare services. The Survey Report provides a comprehensive dataset on the cost, nature, and geographical location of Local Government support, as well as evidence that Local Government support was predominantly focused on General Practice services.

This issue has also been identified as a priority for the sector at the October 2024 Band 4 Local Government meeting and the May 2025 Zone meetings. WALGA has also been working with the Local Government Rural Health Alliance in the development of their advocacy.

WALGA has begun a renewed advocacy campaign, which is asking the Australian and State Governments to improve access to primary health services in rural and remote areas, to remove the need for Local Government intervention.

*'Royal Flying Doctors Service, 2023**²Royal Flying Doctors Service, 2023*

A revised Rural and Remote Health Advocacy Position aligned to the findings and recommendations of the Survey Report was tabled for consideration at the September 2025 State Council. The proposed revisions provide a stronger position on the responsibility of the Australian and State Governments for primary healthcare provision and addresses the cost impost on Local Government, compelled to intervene where the current health system is failing.

The revised position aligns with the wider healthcare reform platform to enable advocacy partnerships and to provide a level of flexibility for the advocacy campaign in response to Government announcements.

Officer's Comment

The Lake Grace motion and WALGAs ongoing advocacy align on the need for financial reimbursement for Local Government support for essential primary health care services. WALGA's approach however, does not specifying how reimbursement to Local Governments should be undertaken, or which Local Governments should be eligible. WALGA's approach aims to provide more flexibility on how to achieve financial support to local governments that are paying for GP & other medical services.

The December 2024 WALGA's State Council endorsed a revised advocacy position on rural and remote health. The WALGA position includes the following:

The Western Australian and Australian Governments are responsible for ensuring that all West Australians have equitable access to primary healthcare services, regardless of their location. Local Governments should not have to step in to support the provision of these services for their communities.

1. *WALGA calls on the Western Australian and Australian Governments to address the systemic failures in the provision of rural and remote primary healthcare services, including through:
 - a. *the development and implementation of adequate, appropriate and sustainable funding models*
 - b. *incentivising rural and remote healthcare workforce recruitment and retention.**
2. *Local Governments should be reimbursed for costs incurred to support the provision of primary healthcare services until sustainable funding and workforce models are in place.*

The WALGA position does not explicitly call for increasing the Medical Facilities Cost Adjuster component of the Financial Assistance Grants and the outcome of doing so has not been provided in the background material relating to this resolution.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR PAUL TOTINO

- OC129/25**
- 1. That Council supports regional local governments being reimbursed for the reasonable costs incurred in subsidising the provision of GP services within their communities subject to the establishment of a transparent and equitable funding mechanism that leaves no party worse off.**
 - 2. That Council reject the WALGA motion calling on the Western Australian Government and WA Grants Commission to:
 - a) increase the Medical Facilities Cost Adjuster component of the Financial Assistance Grants to Local Governments; and**
 - b) recalculate distributions to those Local Governments in remote and very remote locations that are providing block cash payments to attract and retain general practitioners to allow affected Councils to redirect ratepayer funds to Local Government responsibilities.****

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Liz Guidera spoke for the motion.
Cr Paul Totino spoke for the motion.
Cr Kristy D'Aprile spoke for the motion.

10.4.1.2 HOMELESSNESS — SHORT-TERM ACCOMMODATION SOLUTIONS

City of Kalgoorlie Boulder to move:

MOTION

That WALGA advocate to the State Government to provide culturally appropriate short-term accommodation options and wrap-around support services that provide sustainable homelessness solutions in regional centres across Western Australia.

IN BRIEF

- The City of Kalgoorlie-Boulder's motion aligns with Western Australia's All Paths Lead to Home - 10-Year Strategy on Homelessness 2020-2030. The Strategy prioritises place-based responses for Aboriginal people, including culturally appropriate short-term accommodation and wrap-around support.
- The motion addresses a critical gap in current policy by focusing on temporary homelessness or street presence which is not covered in state or national strategies.

MEMBER COMMENT

Shelter WA's Policy Position on Ending Homelessness in WA highlights the overrepresentation of Aboriginal people in homelessness services and calls for short-stay options and self-determination in service delivery. The motion reinforces the importance of Housing First principles and the need for coordinated responses; specifically, that all governments ensure people with lived experience of homelessness are central to the design and delivery of homelessness services.

The motion highlights a growing disconnect between the practical realities faced by Local Government in the requirement for short-term accommodation for First Nations people in their communities. WALGA's advocacy position on homelessness acknowledges that Local Governments can support responses to homelessness through planning, health, and community development functions, it does not consider them as lead agencies. Local Governments are increasingly forced to lead this space due to the lack of a coordinated state-wide response and support.

Historically, many regional centres and cities have been meeting places for different Aboriginal communities with these areas offering a place where individuals can meet to conduct cultural business, socialise with family and friends, shop, and attend medical and other appointments. While some stay with family and friends, in many cases in overcrowded conditions, others are street present. Additional risks are posed for those with a limited experience of living in larger regional cities.

Homelessness data is typically captured through the Australian Census which does not accurately capture short-term or seasonal homelessness. Discussions with other WA regional Local Governments has identified that significant numbers of remote Aboriginal community members travel to regional centres and cities especially during the summer period. These Local Governments and their stakeholders are ill-equipped to support their needs ranging from temporary culturally appropriate and safe accommodation to food provision.

Typically, when Local Governments step up in this area, state-funded systems often pull back, particularly in regional cities. This is an understandable consequence of under-resourced and failing systems but does not advance efforts to solve street presence or seasonal homelessness.

While Local Governments interact closely with people experiencing homelessness and have valuable local knowledge, they do not have the resources, funding, or specialist workforce to lead homelessness responses especially in regional areas when street present people increase during particular times of the year. In the All Paths Leads to Home, State Government acknowledges this and views Local Governments as key partners in coordinating local, place-based efforts and facilitating referrals to appropriate services.

The State Government, primarily through the Department of Communities, is responsible for leading and funding homelessness responses, including the provision of social and affordable housing and specialist services. It coordinates with other State agencies across justice, health, mental health, and education to address the systemic causes of homelessness — functions that are beyond the capacity and remit of local governments. However, homelessness is not included in this remit as, by definition, the Department provides homes in remote communities.

The State Government recognises that effective responses require partnerships. It seeks to leverage the local knowledge, planning tools, and community connections of Local Governments, while retaining responsibility for funding, policy, and service coordination which does not include short-term accommodation for visiting Aboriginal community members across regional WA.

In 2021, the Australian Local Government Association co-signed a landmark national agreement to close the gap, setting targets in education, employment, health, justice, safety, housing, land and waters, and Indigenous language preservation. The agreement includes a target to increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88%.

The 2021 Census showed there were 122,000 people in Australia experiencing homelessness on Census night - 48 people per 10,000. Aboriginal and Torres Strait Islander people were disproportionately homeless - 307 out of 10,000 Aboriginal and Torres Strait Islander people were experiencing homelessness.

However, neither the Closing the Gap agreement, the Closing the Gap 2024 Annual Report and Commonwealth 2025 Implementation Plan, nor the 2024 National Housing and Homeless Plan Summary Report include any consideration for addressing transitional homelessness - only overcrowding issues.

The City of Kalgoorlie-Boulder recently completed a collaborative, landmark national study on Anti-social Behaviour and Transitional Aboriginal Homelessness. The research project included engagement with local and state government agencies and key providers in over eight locations in Western Australia, the Northern Territory, and South Australia, to assess existing strategies, pinpoint gaps, and explore potential solutions that enhance local government efforts in this regard.

A Housing and Homelessness motion was raised by the City of Kalgoorlie-Boulder at the 2025 Australian Local Government Association (ALGA) National General Assembly in Canberra in July and was approved for submission to the Federal Government for consideration.

SECRETARIAT COMMENT

Aboriginal Short Stay Accommodation (Short Stays) are designed to provide safe, culturally appropriate and affordable short-term accommodation for Aboriginal people who travel to regional centres to access services, or for business, cultural or family reasons.

There are three existing Aboriginal Short Stays operating in regional Western Australia: Broome, Derby and Kalgoorlie. The State Government acknowledges that these Short Stays are in high demand. Planning is underway by the Department of Housing and Works to develop an additional three new Short Stays in Geraldton, Kununurra and Perth.

Short Stays are a response to homelessness. WALGA does not currently have an advocacy position on short-stay accommodation, but does have a Homelessness Advocacy Position. WALGA is currently reviewing the Homelessness Advocacy Position as part of a regular advocacy position review process. To inform the review, WALGA is currently surveying all Local Governments to gather information on the extent of Local Government engagement with homelessness and the extent of services, including accommodation options, available within their Local Government areas.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR MICHELLE SALTER

OC130/25 That Council approves WALGA advocating for the State Government to provide culturally appropriate short-term accommodation options and wrap-around support services that provide sustainable homelessness solutions in regional centres across Western Australia.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Paul Totino spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

10.4.1.3 REVISION OF THE LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 IN RELATION TO THE HOLDING OF AND ATTENDANCE AT MEETINGS BY ELECTRONIC MEANS

Shire of Dardanup to move:

MOTION

That WALGA advocates for a change to the Local Government (Administration) Regulations 1996 in relation to the holding of and attendance at meetings by electronic means to allow elected members to attend more than 50% of meetings remotely, only if each instance more than 50% in the rolling year is justified and approved by the Shire President or Deputy Shire President.

IN BRIEF

- This motion addresses the need for greater flexibility for Councillors in the Shire of Dardanup (and potentially other local governments) who, due to work (e.g. FIFO), family, or personal commitments, may be away from the local area for extended periods.
- The motion seeks to:
 - a) ensure Councillors can still represent and serve the community effectively during such absences;
 - b) reduce disruption to Council operations by expanding access to remote and electronic meeting participation;
 - c) reflect the evolving demographic of Elected Members, including new parents, FIFO workers, shift workers, and those with disabilities or mobility issues;
 - d) remove logistical and bureaucratic barriers that limit participation by some Councillors; and
 - e) promote equity, inclusivity, and engagement by adapting Council practices to meet modern workforce and lifestyle realities.
- Ultimately, the motion supports more inclusive and efficient Council operations by enabling all elected members to participate fully, regardless of their personal circumstances.

MEMBER COMMENT

The Local Government Administration Regulations 1996 provides as follows:

14C. Attendance at meetings by electronic means may be authorised (Act s. 5.25(1)(ba)) (3) The mayor, president or council cannot authorise a member to attend a meeting (the proposed meeting) under subregulation (2)(b) if the member's attendance at the proposed meeting under that authorisation would result in the member attending more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, under an authorisation under subregulation (2)(b)

Additionally, the regulations also set out:

14D. Meetings held by electronic means (Act s. 5.25(1)(ba)) (2A) The council cannot authorise a meeting (the proposed meeting) to be held under subregulation (2)(c) if holding the proposed meeting under that

authorization would result in more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, being held under an authorization under subregulation (2)(c).

(Emphasis added)

Therefore, under the current regulations neither a Council nor a Councillor can hold or attend more than 50% of the meetings electronically.

This motion is proposed in response to the unique circumstances within the Shire of Dardanup, and potentially other local governments, who due to their professional commitments, such as FIFO (Fly In Fly Out), or other circumstances, may be required to work away from the local area for extended period - sometimes up to 50% of their time.

The motion seeks to address the challenges faced by Councillors when taking leave or managing personal, family or work commitments. It aims to ensure that these circumstances do not hinder their ability to effectively represent and serve the community. By supporting this motion, the Council can implement measures that provide flexibility in these situations, ultimately allowing Councillors to fulfil their duties without unnecessary disruption.

The intent of the motion is to ensure that the work of the Council continues to operate effectively and efficiently during periods when individual Councillors may be temporarily unavailable (in person) i.e. having a Councillor/s who works away from time to time or even 50% of the time. This motion will also assist with when Councillors who already work away go on leave or have other family commitments.

By implementing greater flexibility, such as expanding access to remote and electronic Council and Committee meeting participation, the Council can support ongoing engagement, reduce disruption to Council operations, and ensure inclusive representation from a broader demographic of elected members.

The demographic of elected and potential elected members to Shire Councils has changed and is evolving. If we want to encourage participation, we need to adapt to the way we engage and allow engagement.

Financial, physical, employment and locational restrictions need to be considered for the engagement ability of elected members to advocate for their rate payer base.

The current percentage provision of remote / electronic meeting ability available, while acceptable for most elected members, is insufficient for the minority of elected members who are engaged, though restriction to contribute through logistical or bureaucratic barriers.

Key considerations should be given to workforce realities i.e. FIFO or workers with demanding employment schedules; diverse demographics, equity in participation and encouraging engagement.

This demographic change includes new mothers and parents of young children, FIFO workers, Shift workers & Disabled or Mobility impaired. All of these groups can and do provide diverse opinions and experience to the overall group of elected members.

SECRETARIAT COMMENT

Regulations 14C and 14D of the Local Government (Administration) Regulations 1996 were introduced in 2022 to provide flexibility for the sector but reflect an expectation that Local Governments should prioritise in person meetings and in person Council Member attendance. Under regulation 14C a Council or Committee Member may attend a meeting by electronic means only if authorised by the Mayor / President or Council. Electronic attendance cannot be authorised if it exceeds the 50% cap.

It is important that Council Meetings remain accessible for members of the community to attend and participate. In many cases, in person meetings may best achieve this outcome. However, the introduction of livestreaming requirements for Class 1 and 2 Local Governments, and widespread adoption by many smaller Local Governments, has changed the way the community accesses and engages with Council Meetings. In addition, Local Government experience to date indicates that Council Members can effectively participate in meetings when attending electronically.

Removing the 50% cap on electronic attendance could enable Councils to make a policy decision regarding the balance of electronic and in person attendance that best meets the expectations of their community and the needs of Council Members. This could support greater diversity in candidates and Council Members and may also assist Local Governments seeking independent persons as members of their Audit Risk and Improvement Committees. Council, and the Mayor or President as the decision maker, would be accountable to the community for the decision to authorise additional electronic attendance.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC131/25 That Council reject the motion moved by the Shire of Dardanup recommending changes to the Local Government (Administration) Regulations 1996 in relation to the holding of and attendance at meetings by electronic means.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR
MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Liz Guidera spoke for the motion.
Cr Ian Hanna spoke for the motion.
Cr John Goodheat spoke for the motion.

10.4.1.4 RATE EXEMPTION ADVOCACY MOTION

City of Bunbury to move:

MOTION

That WALGA, in addition to its current advocacy positions 2.1.1 and 21.2 relating to rating exemptions, advocate to the WA Government for the introduction of a reimbursement model, whereby the WA Government repays Local Government the greater of:

1. 75% of the value of rates lost in applying the charitable purposes exemption; or
2. 1% of the total rate revenue of the Local Government.

In Brief

City of Bunbury Impact:

- 443 properties (85 organizations) receive rate exemptions
- \$1.67M annual revenue loss (3.4% of rates)
- Significantly affects City's ability to fund community services
- Scale of Charitable Exemptions:
 - 407 properties (\$1.23M) are specifically for charitable purposes
 - Represents majority of exempted properties under Section 6.26(2)
- Current System Issues:
 - Exemptions extended beyond original intention
 - Includes non-charitable purposes
 - Creates unfair burden on other ratepayers
- Proposed Solution:
 - Better definition of 'charitable purposes' needed
 - Recommend WA Government establish reimbursement system
 - Suggest threshold based on local government band levels

MEMBER COMMENT

The City of Bunbury faces significant financial impacts from rate exemptions granted under Section 6.26(2) of the Local Government Act, with 443 properties currently exempt due to charitable or religious purposes. This represents a substantial annual revenue loss of \$1.67 million (3.4% of total rates), affecting the City's capacity to deliver community services and facilities.

WALGA has established advocacy positions calling for reform, particularly focusing on the need to review rating exemption categories and address the expanding scope of charitable purpose definitions. Of particular concern is that exemptions have extended beyond their original intention, now encompassing non-charitable commercial activities of charitable organizations.

This matter requires urgent attention as the current system creates an inequitable burden on other ratepayers and impacts the financial sustainability of Local Governments in delivering essential community services.

The City of Bunbury currently has 443 properties with 85 organisations that have a rate exemption under Section 6.26(2) of the Local Government Act due to properties being used for charitable or religious purposes. This equates to a loss of rate revenue of \$1,667,522 in 2024/25, or 3.4% of rates which has a significant impact on the City to fund services and facilities for the Bunbury community. Of these properties, 407 (\$1,227,021) are used for charitable purposes.

The following is a comparison with other known Local Governments (as at October 2024).

Council	Number of Rate Exempt Properties	Total Number of Properties	Percentage of Rate Exempt Properties	Loss of Revenue from Rate Exemptions	Total Rate Revenue	Percentage of Loss Revenue
City of Bunbury	443	17,194	2.6%	\$1,667,522	\$49,690,996	3.4%
City of Busselton	171	25,327	0.7%	\$1,296,212	\$64,960,318	2.0%
City of Geraldton	158	19,487	0.8%	\$1,700,000	\$54,080,426	3.1%
Shire of Harvey	44	13,245	0.3%	\$99,000	\$29,482,269	0.3%
City of Wanneroo	374	88,589	0.4%	Not Provided		

WALGA already has four documented Advocacy Positions relating to this matter, the two most applicable being:

2.1.1 Rating Exemptions Review

A broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act 1995; and

2.1.2 Rating Exemptions Charitable Purposes

1. *Amend the Local Government Act 1995 to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;*
2. *Either:*
 - a. *amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or*
 - b. *establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.*
3. *Request that a broad review be conducted into the justification and fairness of **all** rating exemption categories currently prescribed under Section 6.26 of the Local Government Act 1995.*

Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. It is considered that in the absence of amendments to better define 'charitable purposes', that the WA Government considers reimbursement to local governments once exemptions exceed a defined threshold, which could be set based on Local Government band levels.

SECRETARIAT COMMENT

In addition to the WALGA Advocacy Positions 21.1 and 2.1.2 as mentioned in the Member comment for this item, WALGA also has the following relevant positions on rating exemptions:

2.1.3 Rating Exemptions - Department of Housing: Leasing to Charitable Organisations

Position Statement That WALGA advocate to the Minister for Housing to include in the lease agreements with charitable institutions that they must pay Local Government rates on behalf of the Department of Housing recognising the services Local Government provides to its tenants.

2.1.4 Rating Exemptions - Rate Equivalency Payments

Position Statement Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

2.1.5 Rating Restrictions - State Agreement Acts

Position Statement Resource projects covered by State Agreement Acts should be liable for Local Government rates.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR LIZ GUIDERA

OC132/25 **That, in addition to WALGA's current advocacy positions 2.1.1 and 2.1.2 relating to rating exemptions, Council approves WALGA advocating to the WA Government for the introduction of a reimbursement model, whereby the WA Government repays Local Government the greater of:**

- a) 75% of the value of rates lost in applying the charitable purposes exemption; or**
- b) 1% of the total rate revenue of the Local Government.**

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Paul Totino spoke for the motion.

Cr Liz Guidera spoke for the motion.

Cr John Goodheart spoke for the motion.

10.4.1.5 RATEABILITY OF MISCELLANEOUS LICENSES

Shire of Mount Magnet to move:

MOTION

That WALGA:

1. Formally oppose any move by the Local Government Minister to introduce amendments to the *Local Government Act* to restrict the application of rates on Miscellaneous Licenses.
2. Develop an advocacy position on sector consultation prior to any amendment to the *Local Government Act*.
3. Undertake a financial analysis of the cost to the Mining Industry of the rating of Miscellaneous Licenses compared to the benefit to the Local Government sector.

IN BRIEF

- The Supreme Court determined on 8 July 2025 that occupied Miscellaneous Licenses are rateable under s 6.26(1) of the *Local Government Act*.
- The Minister for Local Government announced on 1 August 2025 that an amendment of the *Local Government Act* would be swiftly introduced to Parliament to provide certainty to Local Governments and the resources sector that Miscellaneous Licenses are not rateable.

MEMBER COMMENT

The *Local Government Act 1995* s 6.26 (1) sets out the intent that all occupied land utilized for purposes other than charitable, benevolent, or other purposes of the Crown is rateable.

Subsequent to the enactment of the *Local Government Act 1995*, significant amendments were made to the terms of a Miscellaneous License in the *Mining Act 1978* through the *Mining Amendment Act 1998*.

Miscellaneous Licenses are one of a number of tenement types granted in respect to mineral resource recovery by the Department of Local Government, Industry Regulation and Safety (LGIRS). The defined purposes for the grant of a Miscellaneous License is set out in the Mining Regulations 1981 r 42B, of which constitute significant infrastructure and construction necessary for the operations necessary to a mining enterprise.

The *Mining Amendment Act 1998* amended the term of the Miscellaneous license from a 5-year term with further two 5-year possible extensions; to a 21-year term with two possible further 21-year term extensions.

This amendment was made to explicitly facilitate the construction of permanent infrastructure — an evolution that clearly signals a shift in their functional and economic significance.

The introduction of the Fringe Benefits Tax in 1986 had a devastating impact on regional communities across Australia as Fly in Fly out work took hold, and unrated remote work

camps replaced local workers, while often increasing traffic on Local Government owned assets such as airports and short stay accommodation intended for tourists, but used to house overflow crews.

Justice Solomon stated in his deliberations that:

"It is also noteworthy that the local government has a substantive role to play in the grant of a miscellaneous licence over any land (including Crown land). Given that a miscellaneous licence is often used for the development of significant infrastructure, the need for the involvement of local government is self-evident. Even a cursory perusal of the items listed in reg 42B indicates that it refers to facilities and infrastructure that would ordinarily be of direct concern to a local government.

It is noteworthy that the role of local government in the granting of other mining tenements is more limited. That feature of the Mining Act 1978 suggests that local government is likely to be more concerned or directly engaged with the activity on a miscellaneous licence than on other mining tenements."

Road Agreements

The Local Government, in which a Miscellaneous License is held for the purpose of road construction, will often enter an agreement for maintenance of that road. The agreement is voluntary in basis, however, the cost of drafting and regulating compliance with the agreement is reported by many Local Governments to be both financially and resource hungry.

There have been reports made by Local Governments of agreements taking years to be completed, of costs to take legal action to enforce compliance, and the regular inspections to ensure undertaking are met.

These costs are outside the scope of road agreements and borne by the Local Government.

Much of the resource fields of Western Australia are located in Band 4 Local Governments, in very remote areas. While the Mining Company has access to legal and corporate resources, Local Governments are under-resourced and unequal in the negotiations.

Mining Camps

Significant environmental health services are provided to remote Mining Camps by Local Government, including commercial kitchen licensing, inspection and regulation; sewerage/wastewater treatment systems and monitoring, inspection and compliance; swimming pool inspections including water monitoring; all other services offered to a town-based business, with the cost of distance to travel and the complication of many more residents.

During an epidemic or outbreak of communicable disease, the Local Government in remote areas holds the statutory responsibility for incident control.

This service is increasingly difficult to resource with qualified officers choosing not to live and work remotely.

Mining Camps situated on a Miscellaneous License or Mining Lease have on occasion been approved by the Minister as rateable under the GRV methodology, upon application by the Local Government. This area of land is excised from the tenement for the purpose of the valuation.

The process for this to occur is protracted, requires the Mining Camp to have been operational for 12 months already and is at the discretion of the Minister. The Mining Company is required to provide input to the decision in the interest of fairness.

These already GRV-rated camps would be exempt from any rating of miscellaneous licenses as they have already been excised from the tenement.

Pipelines, powerlines, conveyor systems, tunnel, bridge, aerodrome, communications facilities, power generation and transmission facilities, storage or transportation facility for minerals or mineral concentrates, and pump stations

Each of the above purposes restricts access by tourists, small prospectors and local Traditional Owners. In many cases they are constructed on an underlying pastoral property which also pays rates on the same parcel.

Borefield, bore

These purposes require less restriction of access, but are also valued at a lower rate under the *Valuation of Land Act* than other purposes.

On this one piece of land, for each of the purposes above, the pastoral activity is curtailed despite the cost of the pastoral lease remitted to the State Treasury, and the rates to the Local Government.

The rateable value of a Miscellaneous License under the Valuation of Land Act is five times the rent on the tenement which is set out in the Mining Regulations 1981. Currently the rent on a Miscellaneous License is \$27 per ha, with the exception of a license granted for the search of ground water which is valued at \$1.12 per ha.

Rent payable on an underlying exploration license is \$1.55 per ha.

Tenement holder remits to -

- **Treasury** — rent on the exploration license, for the Miscellaneous License, (in addition to royalty applicable on the principle Mining Tenement activity).
- **Local Government** — rates on the exploration license only.

The Pastoralist remits to —

- **Treasury** — rent on the pastoral lease
- **Local Government** — rates on the pastoral lease.

On occasion the Mining Company will provide extra funds through a Community Benefit scheme to a community through philanthropic gifting which is spent in accordance with the ideological values of the board, land access purposes, and often to charities or causes that are outside of the regions in which the minerals are extracted through ESG programs. These donations do not correlate to rigorous statutory Integrated Planning and Reporting process undertaken by the Local Government.

The Local Government is increasingly constrained financially and further burdened by compliance with regulations — particularly in the regions where the minerals are extracted. Service provision that falls within the statutory scope of the State Government is being devolved to Local Government, including housing for State employees, medical services, security to community, provision of agency services such as Transport, Health, Human Services. These are by and large unfunded and under resourced by the State Government.

Planning options are significantly constrained through land banking of Mining Companies with tenements in townsites and on town commons.

Conversely, the GDP provided by the Mining Industry in Australia for quarter 1 of 2025 alone reached \$84.1B.

This inequity of wealth distribution has been evidenced through recent actions taken by Councils to increase rates to adequately fund the deficiency in their budget in accordance with the *Local Government Act* requirements. At that time, the Minister for Local Government publicly stated that the proposal "did not meet the values of consistency, equity and fairness".

In handing down his decision, Justice Solomon concluded with

"It is plain from the terms of the provisions referred to above [s6.26] that the object of imposing rates is to raise revenue for local government to undertake its activities. Specifically, the imposition of rates allows a local government to make up any budget deficiency. The Act thus reflects a direct link between the imposition of rates and the local government's ability to undertake its activities. As noted above, the local government plays a direct role and function in the grant of a miscellaneous licence. Plainly, the more significant the infrastructure proposed to occupy the miscellaneous licence, the greater will be the role played and the activity undertaken by the local government. In my view, a construction that exempts land from rates which is the subject of a miscellaneous licence and is occupied by significant infrastructure, sits most uncomfortably with the plain object of the statutory provisions concerning the local government's power to impose rates.

The second factor stems from the wording of s 6.26(2) itself. The exemptions in s 6.26(2)(a) - (k) relate overwhelmingly to charitable, benevolent, religious and public or civic purposes. That sits harmoniously with the theme of s 6.26(2)(a)(i). A construction that would exempt from rating, land that may be occupied by critical infrastructure facilitating the creation of profits for private interests, runs counter to the charitable and civic theme of s 6.26(2).

In my view, the Shire's construction provides greater harmony with the relevant object of the rating provisions of the LGA. "

The judiciary—our independent and impartial arbiter of legislative intent—has clearly affirmed the rateability of Miscellaneous Licences, not only through statutory interpretation but also through a reasoned understanding of their practical implications.

To disregard this position through swift legislative action, without sector wide consultation is to undermine the very principles of legal clarity and administrative fairness upon which our governance is built.

The AGM is requested to support the actions taken by the Shire of Mount Magnet to rate Miscellaneous Licences in accordance with the judgement recently handed down by the Supreme Court, and further request WALGA to undertake a full financial analysis of the cost to the mining industry of this action, and the financial benefit to Local Government in Western Australia.

SECRETARIAT COMMENT

At the time of the distribution of this Agenda, State Council has not considered an item relating to Miscellaneous Licences.

However, item 8.2 in the September 2025 State Council Agenda relates to rating of Miscellaneous Licences. The recommendation in that report is that WALGA:

1. Advocate for Local Governments to continue to have the ability to rate miscellaneous licences under the *Mining Act 1978*; and
2. Oppose legislative amendments that seek to exempt occupied miscellaneous licence land from rating.
3. Continue to advocate for a broad review to be conducted into the justification and fairness of all rating exemption categories currently prescribed under section 6.26 of the *Local Government Act 1995*.

This item will be considered by State Council at the meeting on 5 September.

In relation to point 2 of the motion -

As a matter of course WALGA always advocates for consultation on legislative and regulatory amendments, however formalising this position has merit.

In relation to point 3 of the motion -

WALGA would need to determine the scope and cost of this analysis before considering in the context of WALGA's existing budget.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR PAUL TOTINO

- OC133/25 That Council supports WALGA undertaking the following actions;**
- 1. Formally oppose any move by the Local Government Minister to introduce amendments to the *Local Government Act* to restrict the application of rates on Miscellaneous Licenses.**
 - 2. Develop an advocacy position on sector consultation prior to any amendment to the *Local Government Act*.**
 - 3. Undertake a financial analysis of the cost to the Mining Industry of the rating of Miscellaneous Licenses compared to the benefit to the Local Government sector.**

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO
AGAINST:NIL

Cr Liz Guidera spoke for the motion.

Cr Paul Totino spoke for the motion.

10.4.2 **Fitness For Duty Policy** (ATTACHMENT)

File No.: GV.PO.1
Reporting Officer: Moh Aeson, Co-Ordinator People & Culture
Date Report Prepared: 2 September 2025
Disclosure of Interest: Nil

Issue:

Council policy 5.14, Fit for Work Policy, was recently tested when dealing with a non-negative drug test and has subsequently been reviewed and amended to address its gaps. This policy also makes the current Drug & Alcohol Policy (5.15) obsolete and a motion to rescind this policy is proposed.

Body/Background:

The Fit for Duty Policy is one of our most important governance documents and plays a key role in council providing a safe and healthy workplace.

At its core this policy provides guidance to staff, councillors, volunteers & contractors on their;

1. duty of care to their colleagues & the community
2. the importance of presenting for work in a fit state and
3. how Council's zero tolerance approach to the misuse of drug and alcohol is implemented in the workplace.

The Policy acknowledges that fitness for duty is broader than just alcohol & drugs and that fatigue and other mental/social conditions can affect a workers' ability to safely perform work functions.

As a condition of employment all staff agree to be bound by the terms of this Policy and to participate in random drug and alcohol testing.

Officer's Comment:

This policy was recently tested when a member of staff was stood down without pay after a non-negative screening test for drugs, while we waited for the results of a more accurate urine test. This normally takes about 2 days. We have since learnt that employees are required to be paid in the period between being stood down and the test result being received.

The proposed amendment implements this arrangement.

Statutory Environment:

The Work Health and Safety Act 2020 places an obligation on employers to protect their employees and others who may be affected by their activities.

This Act requires all employers to;

- provide a safe and healthy work environment for their employees
- identify and assess risks to health and safety
- implement control measures to eliminate or minimise those risks
- provide information, training and supervision to employees

- monitor the health and safety of employees and the workplace.

Policy Implications:

This amended policy, once adopted will replace the current Policy 5.15 Drug and Alcohol Policy.

Financial Implications:

Nil

Risk Implications:

Adoption of this policy will reduce the risk of workers presenting unfit for work.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR MATT COLLIS

SECONDED: CR JOHN GOODHEART

OC134/25 That Council

- 1. adopts the amended Fit for Duty Policy, and**
- 2. rescinds policy 5.15 Drug and Alcohol Policy.**

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Matt Collis spoke for the motion.

Cr John Goodheart spoke for the motion.

Cr Ian Hanna declared an interest affecting impartiality as his wife is a committee member of the All Ages Community Garden.

10.4.3 Community Grants Program Round 1 - 2025/26

File Ref: GS.AE.1
Reporting Officer: Mikayla Kafi, Community Development Office
Date Report Prepared: 10 September 2025
Disclosure of Interest: No Interest to disclose

Issue: To consider applications for Round 1 of the 2025-26 Community Grants Program.

Body/Background:

The Community Grants Program funding was advertised in August 2025 with advertisements in the Shire of Katanning Website, emails and word-of-mouth to the community and on Facebook.

The Community Grants Program (CGP) provides funding support in three categories; Minor Community Grant (up to \$5000), Major Community Grant (Over \$5000) and Triennium Community Grant (3-year approval - Minor or Major), to enable organisations to develop projects that increase participation and benefit the community.

At the closing date **three (3)** applications were received. The application process was coordinated by the Community Development Officer, Mikayla Kafi.

The Community Grants Program for 2025-26, round 1 has \$TBC (27,000 est.) ex GST available in the budget.

ROUND 1 APPLICATIONS RECEIVED – 31 August 2025

Group	Project	Amount Requested	Round
Katanning Historic Society	Shelving Unit at the Katanning Museum	\$5, 000	R1 2025/26
Katanning Regional Opportunities Society	Building Upgrades	\$4, 500	R1 2025/26
All Ages Community Garden	Worm Farm and Storage Shed	\$ 6,603.20	R1 2025/26

Committee’s Comment:

- Funds available under this Round 1 grant program is \$27,000 (ex GST).
- Total grants requested by applicants was \$16, 103.20 (ex GST)
- No in-kind contribution was requested in this round.

The Committee considered applications during a meeting held Tuesday 9 September and during this meeting the following was resolved;

1. Deny Katanning Historic Society \$5,000 for the shelving unit at the Katanning Museum *as they are ineligible due to policy of triennium grant acquittal to be done*
2. Partially Approve Katanning Regional Opportunities Society \$1,275 for linoleum in their new storefront - *as other repairs and upgrade are responsibility of the landlord*
3. Approve All Ages Community Garden \$6,603.20 for the worm farm and storage shed

Statutory Environment:

Local Government Act 1995

Policy Implications:

2.9 Community Grants Program. Applications were assessed in accordance with the Policy Guidelines.

Financial Implications:

If the recommendation is accepted, the 2025/26 Community Grants program will spend a total of \$7,878.20. With \$19, 121.80 remaining in the budget.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To facilitate diversity and representation within the decision-making process.

Voting Requirement: Simple Majority

Officer's Recommendation:

That Council, with respect to the 2025-2026 Community Grants Program:

1. Hold over its determination in respect to the Katanning Historic Society grant application until the qualification of this application is confirmed.
2. Partially approve Katanning Regional Opportunities Society's application and approve a grant of \$1,275 for installation of linoleum in their new storefront - *as other repairs and upgrade are responsibility of the landlord.*
3. Approve All Ages Community Garden \$6,603.20 for the worm farm and storage shed

Council Motion:**MOVED: CR JOHN GOODHEART****SECONDED: CR IAN HANNA****OC135/25 That Council, with respect to the 2025-2026 Community Grants Program:**

- 1. Decline the application submitted by the Katanning Historic Society due to the Society having already been awarded the maximum \$10k grant allowable under the Community Grant Scheme Policy.**
- 2. Partially approve Katanning Regional Opportunities Society's application and approve a grant of \$1,275 for installation of linoleum in their new storefront - *as other repairs and upgrade are responsibility of the landlord.***
- 3. Approve All Ages Community Garden \$6,603.20 for the worm farm and storage shed**

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr John Goodheart spoke for the motion.

Cr Liz Guidera for the motion.

Cr Michelle Salter spoke for the motion.

Cr Ian Hanna and Cr Kristy D'Aprile declared an interest affecting impartiality as they are a committee member of the Katanning Regional Business Association.

10.4.4 Retail Trading Hours

File Ref: ED.PG.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 12 September 2025
Disclosure of Interest: No interest to disclose.

Issue:

Determine a position on an offer from the Minister for Commerce to extend trading hours over the Christmas period and for public holidays in 2026.

Body/Background:

On 11 September Council received a group email, sent on behalf of the Minister for Commerce, giving all regional local governments the opportunity to accept an extended trading hours offer. The offer is summarised in the following table.

Date Range	Days Covered	Current Permitted Opening Hours	Proposed Opening Hours	Difference
6/12 & 28/12	Saturdays	8am – 5pm	8am to 6pm	+1hr/day
6/12 & 28/12	Sundays	10am – 5pm	8am to 6pm	+3hrs/day
8/12 to 12/12	Weekdays	8am – 6pm	8am to 9pm	+3hrs/day
15/12 to 4/12	Weekdays	8am – 6pm	7am to 9pm	+4hr/day
25/12	Christmas Day	Closed	Closed	-
29/12 to 1/12	Weekdays	8am – 6pm	8am to 9pm	+3hrs/day
Public Holidays	Easter Sunday	Closed	Closed	-
	ANZAC Day	Noon – 5pm	8am – 6pm	+5hrs/day
	Boxing Day, New Years Day, Australia Day, Labour Day (02/03), Easter Monday (06/04), ANZAC Day (27/04 – in lieu), WA Day (01/06) & King's Birthday (28/09).	10am – 5pm	8am to 6pm	+3hrs/day

If the above hours are acceptable, the Council need only provide written confirmation and no further action on our part will be required. This means there would be no need to complete an application form or for the Department to consider & respond to the application which, has been the standard approach in the past.

In May 2023, the Council was granted approval to permanently allow retail trading on public holidays (other than Christmas Day & Good Friday) between 10.00am and 5.00pm and on ANZAC Day from 12.00pm to 5.00pm.

Retail Trading Hours apply to all retail shops except those that have;

1. applied for & received a Small Retail Shop Certificate, or
2. applied for & received a Special Retail Shop Certificate.

A small retail shop is a shop that is owned by up to 6 people who own no more than 4 retail shops, in which no more than 25 people work in the shop at any one time. Small retail shops can trade 24 hours a day, every day of the year.

Special retail shops are shops that are considered necessary for emergency, convenience or recreation goods. There are no restrictions on the size of these shops, but they are only permitted to sell goods that are prescribed for the category of special retail shop they are certified under. Examples of special retail shops are pharmacies, garden nurseries, hardware and home improvement shops, newsagencies and book shops. Once a shop is certified as a special retail shop, they can trade from 6am to 11.30pm on every day of the year.

Information on small and special retail shops can be found on our website at <https://www.consumerprotection.wa.gov.au/small-and-special-retail-shops>.

Cafes and restaurants are automatically exempt from retail trading hours restrictions.

Officer's Comment:

As is the case with all extended trading variations, the decision to open or not during the additional hours provided, if approved, will be at the discretion of individual retailer.

Although retail hour restrictions are likely to apply to only a few local businesses, extended hours has the potential to better serve the needs of our surrounding community.

Council is able to accept this offer of amended retail hours until COB 30 September 2025.

Statutory Environment:

Retail Trading Hours Act 1987

Policy Implications:

Nil

Financial Implications:

Nil

Risk Implications:

The level of risk is "Low". The extended hours offer, if accepted, will mainly apply to the Christmas period and if unsuccessful, the Council could elect to not accept a similar offer if made next year.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Economic**Aspiration** Katanning is an economic hub of the Great Southern region, offering a range of employment and business opportunities.**Objective** To enable more businesses to locate in Katanning to support the needs of the local population.**Voting Requirement:** Simple Majority

Officer's Recommendation:

That Council accepts the temporary amendment to trading hours offered by the Minister for Commerce for the 2025 Christmas period and for the 2026 public holidays.

Council Motion:**MOVED: CR LIZ GUIDERA****SECONDED: CR MICHELLE SALTER**

- OC136/25**
- 1. That Council advertise the temporary amendment to trading hours offered by the Minister for Commerce for the 2025 Christmas period and for the 2026 public holidays inviting submissions from the public.**
 - 2. The matter be represented for Council consideration.**

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST:NIL

Cr Liz Guidera spoke for the motion.

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**PROCEDURAL MOTION****MOVED: CR LIZ GUIDERA****SECONDED: CR MATT COLLIS****OC137/25 That Council considers the urgent business items 12.1.**

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO
AGAINST:NIL

Cr Matt Collis declared an interest affecting impartiality as he is a board member of the CRC.
Cr Liz Guidera declared an interest affecting impartiality as she is the Chair of the board of the CRC.

12.1 Unit Hotel Maintenance

File Ref: ED.PG.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 16 September 2025
Disclosure of Interest: No interest to disclose.

Issue:

Prior to the CRC moving back into the Unit Hotel, officers recommend that the walls be painted and carpets replaced.

Body/Background:

The CRC's temporary lease of office space within the Cooperative is due to expire in December 2025 and consequently, the CRC is targeting a move back to the Unit Hotel during their 3-week closure over the Christmas 2025 period.

Before moving back into the Unit Hotel, the CRC is hoping a recently submitted Lotterywest grant application is successful and if so, they plan to allocate the funding towards office furniture, a new photocopier & computers as well as the replacement of floorcoverings and painting which, could be either internal or external painting.

Lotterywest generally requires proponents to make cash contributions to project delivery and therefore we expect that if the CRC's application is successful, Council will be asked to contribute to the cost of internal painting and carpet replacement. A painting quote of \$26,334 has been received from Paint Rite Décor and carpet replacement is quoted at \$5,380 by Carpet Court.

To enable CRC to move in over the Christmas period and importantly, prior to their lease expiring, the painting and carpets will need to be complete by the first week of December. Booking the painter is now on the critical path and consideration is therefore being given to how best to manage the risk of the property not being ready for the CRC by mid-December.

Officer's Comment:

Given the Unit Hotel is a Council building and that:

- a) Council has a maintenance obligation for its buildings and to its tenants,
- b) CRC's grant application to Lotterywest has an uncertain outcome,
- c) if successful, the grant could be allocated to painting the Unit Hotel's exterior and towards replacement of entrance & reception lino,
- d) the CRC lease is approaching expiry,
- e) internal painting and carpet replacement is a barrier to CRC's timely relocation to the Unit Hotel.

Officers recommend that up to \$32,000 be drawn from the Land & Building Reserve to paint the interior walls and replace the downstairs carpets to facilitate CRC's return to the Unit Hotel during their December break, subject to these services being procured in compliance with Council policy and the lease fee being set to recover this investment over the lease term.

Statutory Environment:

Local Government Act (1995)

Policy Implications:

Nil

Financial Implications:

Subject to the agreement of new lease terms that fully recover the recommended maintenance activity, the financial implication is neutral.

Risk Implications:

The level of risk is low.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Economic

Aspiration Katanning is an economic hub of the Great Southern region, offering a range of employment and business opportunities.

Objective To enable more businesses to locate in Katanning to support the needs of the local population.

Voting Requirement: Simple Majority**Officer's Recommendation:**

That Council approves up to \$32,000 being drawn from the Land & Building Reserve to paint the Unit Hotel's interior walls and replace the downstairs carpets to facilitate CRC's lease of this property and repossession during their December 2025 office break, subject to these maintenance services being procured in compliance with Council policy and the lease fee being set to recover this investment over the lease term.

Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC138/25 That Council approves up to \$32,000 being drawn from the Land & Building Reserve to paint the Unit Hotel's interior walls and replace the downstairs carpets to facilitate CRC's lease of this property and repossession during their December 2025 office break.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR MATT COLLIS, CR MICHELLE SALTER, CR PAUL TOTINO
AGAINST:NIL

Cr Liz Guidera spoke for the motion.
Cr Paul Totino spoke for the motion.

13. CONFIDENTIAL ITEMS

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:38pm.