

SHIRE OF SHARK BAY MINUTES

28 November 2018

ORDINARY COUNCIL MEETING



Monkey Mia



28 November 2018



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MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 28 November 2018 commencing at 3.01 pm.

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1.0 DECLARATION OF OPENING

The Deputy President declared the Ordinary Council meeting open at 3.01 pm.

2.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell President – from 3.02pm

Cr K Laundry Deputy President

Cr L Bellottie

Cr K Capewell

Cr E Fenny

Cr J Burton

Mr P Anderson Chief Executive Officer

Ms L Butterly Executive Manager Community Development

Mr B Galvin Works Manager

Mrs R Mettam Executive Assistant

APOLOGIES

Cr G Ridgley Application Item 5.1 Ordinary Council meeting 28 November 2018

VISITORS

1 visitor in the gallery

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There are no previous public questions on notice.

The President entered the Council Chamber at 3.02pm and assumed the Chair.

4.0 PUBLIC QUESTION TIME

The President opened public question time at 3.04 pm and with no questions being presented the President closed public question time at 3.04 pm.

28 November 2018

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR RIDGLEY
GV00008

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Fenny
Seconded Cr Burton

Council Resolution

Councillor Ridgley is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary Meetings of Council scheduled to be held on 28 November 2018.

6/0 CARRIED

Background

Councillor Ridgley has applied for leave of absence from the ordinary meeting of Council scheduled for 28 November 2018. The Council in accordance with Section 2.25 of the *Local Government Act 1995* as amended may by resolution grant leave of absence to a member.

Comment

Councillor Ridgley has advised the Chief Executive Officer due to personal commitments will be unable to attend the Ordinary meeting of Council scheduled to be held on 28 November 2018 and has requested leave of absence be granted by Council for this meeting.

I advised it would be prudent to seek Council's approval for the leave to ensure that obligations have been met in accordance with the Local Government Act.

The Council may consider not granting Councillor Ridgley leave of absence but must include the reasons for the refusal for not granting the leave in the resolution.

Legal Implications

***Local Government Act 1995* Section 2.25 Disqualification for Failure to Attend Meetings**

- (1) A Council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive Ordinary Meetings of the Council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
- (4) A member who is absent, without first obtaining leave of the Council, throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

MINUTES OF THE ORDINARY COUNCIL MEETING

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- (5) The non-attendance of a member at the time and place appointed for an Ordinary Meeting of the Council does not constitute absence from an Ordinary Meeting of the Council –
- a) If no meeting of the Council at which a quorum is present is actually held on that day; or
 - b) If the non attendance occurs while –
 - i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
 - ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
 - iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 28 November 2018

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

6.0 PETITIONS

No petitions were presented to the November 2018 Ordinary Council meeting.

7.0 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2018

Moved Cr Laundry
Seconded Cr Cowell

Council Resolution

That the minutes of the Ordinary Council meeting held on 31 October 2018, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

8.0 ANNOUNCEMENTS BY THE CHAIR

9.0 PRESIDENT'S REPORT

GV00002

Council Committee Membership

Member	Audit Committee
Member (Chair)	Western Australian Local Government Association Country Zone – Gascoyne Region
Member	Development Assessment Panel
Deputy Delegate	Works Committee
Deputy Delegate	Gascoyne Regional Collaboration Group

Other Committee Membership

Member (Chair)	Local Emergency Management Committee
State Councillor	WALGA – State Council – Gascoyne Zone
Deputy Delegate	Aviation Community Consultation Group
Member	Destination Shark Bay Working Group

Meeting Attendance

9 November 2018	Teleconference Silver Chain – S Hearn
11	Remembrance Day service
15	Aviation meeting – Rex/Department of Transport reps
	RAC Monkey Mia Resort official opening
16	Met with WA Premier Mark McGowan
22	Local Emergency Management Committee Meeting/Disaster Recovery event
23	Regional Roads Group meeting – Exmouth
	Gascoyne Zone Western Australian Local Government Association meeting – Exmouth
28	November Ordinary Council meeting

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Signatures

Councillor *Councillor Cowell*
Date of Report 19 November 2018

Moved Cr Fenny
Seconded Cr Burton

Council Resolution

That the President's activity report for November 2018 be received.
6/0 CARRIED

10.0 COUNCILLORS' REPORTS

10.1 CR BURTON
GV00018

Meeting Attendance

11 November 2018 Remembrance Day Service
15 Aviation meeting – Rex/Department of Transport reps

Signatures

Councillor *Councillor Burton*
Date of Report 19 November 2018

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

That Councillor Burton's November 2018 report on activities as Council representative be received.

6/0 CARRIED

10.2 CR RIDGLEY
GV00008

Committee Membership

Member Audit Committee
Member Shark Bay Tourism Committee

Meeting Attendance

15 November 2018 Aviation meeting – Rex/Department of Transport reps
15 Monkey Mia Resort Opening

Signatures

Councillor *Councillor Ridgley*
Date of Report 19 November 2018

MINUTES OF THE ORDINARY COUNCIL MEETING

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Moved Cr Laundry
Seconded Cr Fenny

Council Resolution

That Councillor Ridgley's November 2018 report on activities as Council representative be received.

6/0 CARRIED

10.3 CR LAUNDRY
GV00013

Committee Membership

Member	Audit Committee
Member	Shark Bay Community Resource Centre Committee
Member	Shark Bay Bowling Club Inc Committee
Proxy Member	For Cr Cowell on the Development Assessment Panel

Meeting Attendance

20 November 2018 Shark Bay Bowling Club Committee Meeting

Signatures

Councillor	<i>Councillor Laundry</i>
Date of Report	19 November 2018

Moved Cr Burton
Seconded Cr Fenny

Council Resolution

That Councillor Laundry's November 2018 report on activities as Council representative be received.

6/0 CARRIED

10.4 CR BELLOTTIE
GV00010

Nil report for the November 2018 Ordinary Council meeting.

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10.5 CR FENNY
GV00017

Committee Membership

Delegate Aviation Community Consultation Group

Meeting Attendance

15 November 2018	Aviation meeting – Rex/Department of Transport reps
15	Monkey Mia Resort Opening
28	Ordinary Council Meeting

Signatures

Councillor	<i>Councillor Fenny</i>
Date of Report	19 November 2018

Moved Cr Burton
Seconded Cr Bellottie

Council Resolution

That Councillor Fenny's November 2018 report on activities as Council representative be received.

6/0 CARRIED

10.6 CR CAPEWELL
GV00005

Nil report for the November 2018 Ordinary Council meeting.

28 November 2018

11.0 ADMINISTRATION REPORT

11.1 ORDINARY ELECTIONS 19 OCTOBER 2019

GV00001

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Officer Recommendation

That Council –

Receive the report presented by the Chief Executive Officer

Or

Declare in accordance with section 4.20 (4) of the *Local Government Act 1995* that the Western Australian Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections for the Shire of Shark Bay together with any other elections or polls which may also be required,

Decide in accordance with section 4.61 (2) of the *Local Government Act 1995* that the method of conducting the election will be as postal election, and

Include in the 2019/2020 budget provision of \$13,110.00 GST inclusive to provide for the Western Australian Electoral Commission to conduct the 2019 election.

ABSOLUTE MAJORITY REQUIRED

Moved Cr Laundry
Seconded Cr Capewell

Council Resolution

That Council –

Declare in accordance with section 4.20 (4) of the *Local Government Act 1995* that the Western Australian Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections for the Shire of Shark Bay together with any other elections or polls which may also be required,

Decide in accordance with section 4.61 (2) of the *Local Government Act 1995* that the method of conducting the election will be as postal election, and

Include in the 2019/2020 budget provision of \$13,110.00 GST inclusive to provide for the Western Australian Electoral Commission to conduct the 2019 election.

6/0 CARRIED BY ABSOLUTE MAJORITY

28 November 2018

Background

Unless other arrangements are made the Chief Executive Officer is to be the Returning Officer of a Local Government however, if a Local Government wishes to have the Western Australian Electoral Commission conduct a postal voting election then the Local Government must make a declaration to this effect before the eightieth (80) day before an election according the section 4.20(4) of the **Local Government Act 1995** and is to decide that the election is to be held as a postal election in accordance with section 4.61 of the **Local Government Act 1995**.

Comment

The Shire conducted the 2011 and 2013 elections and extraordinary elections in 2014 and ordinary election in 2015 and 2017 by postal vote and experienced very encouraging voter participation where there was a contested election.

The voter participation in 2015 was 49.44% and increased in 2017 to 59.31%.

In my experience the conduct of the elections by postal vote provides for a greater ability for electors to participate in the election process. While the voting in person is still relevant the ability for absent owners to participate in the election by postal voting ensures a greater representation of the community.

The conduct of the election by the Electoral Commission and by postal vote also provides for increased levels of separation from the process for the administration.

Legal Implications

Local Government (Elections) Regulations 1997.

Local Government Act 1995.

4.61. Choice of methods of conducting the election

- (1) *The election can be conducted as a —*
postal election *which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*
Voting in person election *which is an election at which the principal method of casting votes is by voting in person on Election Day but at which votes can also be cast in person before Election Day, or posted or delivered, in accordance with regulations.*
- (2) *The local government may decide* to conduct the election as a postal election.*
** Absolute majority required.*
- (3) *A decision under subsection (2) has no effect if it is made after the 80th day before Election Day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (4) *A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*
- (5) *A decision made under subsection (2) on or before the 80th day before Election Day cannot be rescinded after that 80th day.*

28 November 2018

- (6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on Election Day even though the election is conducted as a postal election.*
- (7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.*

4.20. CEO to be returning officer unless other arrangements are made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —*
 - (a) *an election; or*
 - (b) *all elections held while the appointment of the person subsists.*

** Absolute majority required.*

- (3) *An appointment under subsection (2) —*
 - (a) *is to specify the term of the person's appointment; and*
 - (b) *has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

- (5) *A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (6) *A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.*

Section 4.62 of the *Local Government Act 1995* prescribes the requirement for Polling Places (booths) in respect to voting as *In Person*. The Postal Voting does not require any Polling Place in each Ward where an election is required.

4.62. Polling places required

- (1) *For every election in a district or a ward the returning officer is to ensure that there will be at least one polling place in the district that is open between 8 a.m. and 6 p.m. on election day.*
- (2) *For a voting in person election in a district that is divided into wards, the returning officer is to ensure that there will be at least one polling place in each ward that is open between 8 a.m. and 6 p.m. on election day unless the returning officer determines that, in respect of a particular ward, it is not necessary or not practicable —*

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- (a) to open a polling place in that ward on election day; or
(b) for there to be a polling place in that ward that is open all the time between 8 a.m. and 6 p.m. on election day.
- (3) For a voting in person election in a ward the returning officer is to ensure that there will be at least one polling place in the ward that is open between 8 a.m. and 6 p.m. on election day unless the returning officer determines that it is not necessary or not practicable —
- (a) to open a polling place in that ward on election day; or
(b) for there to be a polling place in that ward that is open all the time between 8 a.m. and 6 p.m. on election day.

Policy Implications

There are no policy implications relevant to this report

Financial Implications

The electoral commission has quoted an amount of \$13,000 including GST to conduct the election and \$110 for the Australia Post Priority Service for the lodgement of election packages, for the Shire of Shark Bay in October 2019.

This has been based on the following assumptions;

550 electors

60% response rate

4 councillor vacancies and

The count to be conducted at the Council offices.

It is difficult to estimate the amount of cost to Council of conducting in person elections given that there is limited capacity available to conduct the elections in house and costs would be dependant upon the voter turnout if the elections were held in person.

The amount of \$13,110 can be included in the 2019/2020 budget deliberations.

Strategic Implications

There are no strategic implications relevant to this report

Voting Requirements

Absolute Majority Required.

Signature

Chief Executive Officer

P Anderson

Date of Report

28 October 2018

28 November 2018

12.0 FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved Cr Capewell

Seconded Cr Burton

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$723,175.95 be accepted.

60 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of October 2018 totalling \$2,351.62

Municipal fund cheque numbers 26890 for the month of October 2018 totalling \$5,882.11

Municipal fund direct debits to Council for the month of October 2018 totalling \$23,222.50

Municipal fund account electronic payment numbers MUNI 24013-24061, 24092-24123, 24129-24170, 24171, 24173-24187 totalling \$497,798.82

Municipal fund account for October 2018 payroll totalling \$134,302.87

There were no trust fund account cheque numbers for October 2018

Trust fund Police Licensing for October 2018 transaction number 181904 totalling \$19,813.40

Trust fund account electronic payment numbers 24124-24128, 24172, 24206-24226
Totalling \$39,804.63

The schedule of accounts submitted to each member of Council on 23 November 2018 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

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LEGAL IMPLICATIONS

Section 13.3 of the Local Government (Financial Management) Regulations 1996, requires that a list of payments be presented to Council on a monthly basis.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

Outcome 1.2 To improve fiscal management practices and procedures and maximise operating revenue and social capital.

RISK MANAGEMENT

These payments have been paid and are subject to internal checks and appraisals and therefore are considered a low risk to council.

Voting Requirements

Simple Majority Required

Signature

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

19 November 2018

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**SHIRE OF SHARK BAY – CREDIT CARD PERIOD
OCTOBER 2018
CREDIT CARD TOTAL \$2,351.62**

CEO

DATE	NAME	DESCRIPTION	AMOUNT
28/09/2018	Denham IGA Express	Staff Refreshments	6.88
5/10/2018	Whitbenn Pty Ltd	Windscreen repairs P176	110.00
10/10/2018	Howard Porter	Teeterboard pin for Semi Trailer P155 – PO 7894	742.50
			\$859.38

EMFA

DATE	NAME	DESCRIPTION	AMOUNT
16/09/2018	Burswood Car Rentals	Deposit returned for Car Hire - L.Tomlinson, Police Licensing Course – PO 7796	-100.00
19/09/2018	Shark Bay Bakery	Staff function	19.20
28/09/2018	Gull 440 Roadhouse	Fuel for vehicle P186	41.99
28/09/2018	Shark Bay Fuel & Fishing	Fuel for vehicle P186	79.05
			\$40.24

EMCD

DATE	NAME	DESCRIPTION	AMOUNT
27/09/2018	Harvey Norman Online	SBDC Tablet and TV – PO 7868	1292.00
27/09/2018	Shire of Shark Bay	Staff shirts for Festival – PO 7867	160.00
			\$1,452.00

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**SHIRE OF SHARK BAY – DIRECT DEBITS
OCTOBER 2018**

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD14643.1	14/10/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3648.77
DD14643.2	14/10/2018	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	-422.65
DD14643.3	14/10/2018	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-248.68
DD14643.4	14/10/2018	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-415.01
DD14643.5	14/10/2018	AUSTRALIAN ETHICAL SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-394.27
DD14643.6	14/10/2018	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-208.08
DD14643.7	14/10/2018	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-373.46
DD14643.8	14/10/2018	REST	SUPERANNUATION CONTRIBUTIONS	-340.02
DD14643.9	14/10/2018	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1408.84
DD14655.1	21/10/2018	VIVA ENERGY AUSTRALIA	VIVA FUEL ACCOUNT SEPTEMBER 2018	-173.13
DD14662.1	28/10/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-5101.09
DD14662.2	28/10/2018	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	-422.65
DD14662.3	28/10/2018	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-296.19
DD14662.4	28/10/2018	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-415.01
DD14662.5	28/10/2018	AUSTRALIAN ETHICAL SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-394.27
DD14662.6	28/10/2018	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-208.09
DD14662.7	28/10/2018	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-463.46
DD14662.8	28/10/2018	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-380.38
DD14662.9	28/10/2018	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1387.34
DD14643.10	14/10/2018	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-380.38
DD14643.11	14/10/2018	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-1127.72
DD14643.12	14/10/2018	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-981.87
DD14643.13	14/10/2018	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-219.37

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DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD14643.14	14/10/2018	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-117.38
DD14643.15	14/10/2018	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-355.63
DD14643.16	14/10/2018	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-208.09
DD14662.10	28/10/2018	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-1175.23
DD14662.11	28/10/2018	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1095.43
DD14662.12	28/10/2018	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-219.37
DD14662.13	28/10/2018	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-75.73
DD14662.14	28/10/2018	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-356.83
DD14662.15	28/10/2018	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-208.08
			TOTAL	\$23,222.50

SHIRE OF SHARK BAY – MUNI CHQ
OCTOBER 2018

CHEQUE # 26890

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26890	9/10/18	WATER CORPORATION - OSBORNE PARK	WATER CHARGES SHIRE PROPERTIES	-5882.11
			TOTAL	\$5,882.11

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**SHIRE OF SHARK BAY – MUNI EFT
OCTOBER 2018
EFT 24013-24061, 24092-24123, 24129-24170, 24171, 24173-24187**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24013	01/10/2018	LAURENCE JAMES BELLOTTIE	COUNCILLOR MEETING PAYMENTS OCT-DEC 2018	-1954.00
EFT24014	01/10/2018	CHERYL LORRAINE COWELL	QUARTERLY PRESIDENT'S PAYMENTS – OCT-DEC 2018	-6446.00
EFT24015	01/10/2018	EDMUND GEORGE FENNY	COUNCILLOR MEETING PAYMENTS OCT-DEC 2018	-1954.00
EFT24016	01/10/2018	JAMIE BURTON	COUNCILLOR MEETING PAYMENTS OCT-DEC 2018	-1954.00
EFT24017	01/10/2018	KEITH MICHAEL CAPEWELL	COUNCILLOR MEETING PAYMENTS OCT-DEC 2018	-1954.00
EFT24018	01/10/2018	KEVIN LAUNDRY	QUARTERLY DEPUTY PRESIDENTS PAYMENTS OCT-DEC 2018	-2702.75
EFT24019	01/10/2018	GREGORY LEON RIDGLEY	COUNCILLOR MEETING PAYMENTS OCT-DEC 2018	-1954.00
EFT24020	03/10/2018	GLENN BANGAY	REIMBURSEMENT MEALS SEPT 2018	-122.94
EFT24021	03/10/2018	ASM ECLIPSE PTY LTD	SBDC MERCHANDISE	-1127.53
EFT24022	03/10/2018	AIR LIQUIDE	RENTAL OF CYLINDERS	-233.89
EFT24023	03/10/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - TOM MORONEY WEEK 10 SEPTEMBER 18	-112.73
EFT24024	03/10/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	MAINTENANCE TOWN STREETS – LINE MARKING PAINT	-478.68
EFT24025	03/10/2018	BAILEYS FERTILISERS	MAINTENANCE TOWN GROUNDS - FERTILISER	-2216.23
EFT24026	03/10/2018	BROOKS HIRE SERVICE PTY LTD	HIRE OF MULTI TYRE ROLLER – USELESS LOOP ROAD AND EAGLE BLUFF ROAD	-9745.69
EFT24027	03/10/2018	BURTON TILING MAINTENANCE & RENOVATIONS	REPLACE FLOOR COVERINGS – STORM WATER DAMAGE INSURANCE CLAIM	-5049.00
EFT24028	03/10/2018	BLUE SHADDY	PERFORMANCE FEE - RENDEZVOUS FESTIVAL	-10450.00
EFT24029	03/10/2018	CROSS COUNTRY CIVIL	COLDMIX – SHARK BAY ROAD MAINTENANCE	-12265.00
EFT24030	03/10/2018	CHUBB FIRE & SECURITY LTD	SBDC ALARM MONITORING OCT TO DEC 2018	-139.67
EFT24031	03/10/2018	EVOLUTION SOUND PRODUCTIONS	SOUND PRODUCTION RENDEZVOUS FESTIVAL	-4682.00

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24032	03/10/2018	FAR WEST ELECTRICAL	CONDUCT INSPECTION OF RCD AND SMOKE ALARMS TO 16A SUNTER	-99.00
EFT24033	03/10/2018	GERALDTON HYDRAULICS	PP021 PARTS, P163 TUBE MANUFACTURE	-183.11
EFT24034	03/10/2018	GERALDTON LOCK AND KEY SPECIALISTS	KEYS CUT 16A SUNTER PL	-59.40
EFT24035	03/10/2018	HITACHI CONSTRUCTION MACHINERY (AUST) PTY LTD	P161 FILTERS	-494.87
EFT24036	03/10/2018	HARE & FORBES PTY LTD	WORKSHOP CONSUMABLES	-70.70
EFT24037	03/10/2018	HORIZON POWER	SES AND ST JOHNS ELECTRICITY JULY/AUGUST 2018	-560.70
EFT24038	03/10/2018	HERITAGE RESORT	RENDEZVOUS FESTIVAL ACCOMMODATION - MICHAEL MCCARTHY	-1089.92
EFT24039	03/10/2018	TOLL IPEC PTY LTD	FREIGHT SBDC MERCHANDISE	-149.04
EFT24040	03/10/2018	INDEPENDENCE STUDIOS PTY LTD	SBDC MERCHANDISE	-599.77
EFT24041	03/10/2018	J & T FREIGHT	FREIGHT - BRIDGESTONE TYRES – MULTI TYRE ROLLER	-259.60
EFT24042	03/10/2018	MARKETFORCE PTY LTD	ADVERT - CHANGE OF VENUE COUNCIL MEETING	-230.82
EFT24043	03/10/2018	RHONDA JOY METTAM	REIMBURSEMENT FOR OFFICE KETTLE	-44.95
EFT24044	03/10/2018	NICHOLAS PEDROCCHI	SHARK BAY RENDEZVOUS FESTIVAL WELCOME PERFORMANCE	-1863.00
EFT24045	03/10/2018	OUTBACK COAST AUTOMOTIVES AND RADIATORS	P161 TYRES	-1464.61
EFT24046	03/10/2018	JANINE OXENHAM	SHARK BAY RENDEZVOUS FESTIVAL WELCOME PERFORMANCE	-1645.00
EFT24047	03/10/2018	PATRICIA OAKLEY	SHARK BAY RENDEZVOUS FESTIVAL WELCOME PERFORMANCE	-1492.00
EFT24048	03/10/2018	PROFESSIONAL PC SUPPORT	AGREEMENT PPS AGENT AND ANTIVIRUS OCTOBER 2018	-533.50
EFT24049	03/10/2018	RICHARD CLAUDE MORONEY	SBDC REMOVAL RUBBISH AND SEAWEED	-50.00
EFT24050	03/10/2018	RAYMOND FREDERICK PRYER	REFUND ON OVERPAYMENT OF BUILDING SERVICES LEVY - PERMIT 3297	-28.35
EFT24051	03/10/2018	SHARK BAY HOTEL MOTEL	RENDEZVOUS FESTIVAL REFRESHMENTS FOR ENTERTAINMENT BANDS	-320.00

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24052	03/10/2018	SHARK BAY SKIPS	SKIP BIN HIRE – DOT AND MAIN ROADS	-4455.00
EFT24053	03/10/2018	SANDHURST SECURITY SERVICES	SECURITY FOR RENDEZVOUS FESTIVAL	-5288.00
EFT24054	03/10/2018	TELSTRA CORPORATION LTD	SHIRE GROUP PLAN AND MOBILE PHONES	-1972.02
EFT24055	03/10/2018	TOLL EXPRESS	FREIGHT - BAILEYS FERTILIZERS	-563.77
EFT24056	03/10/2018	TRUCKLINE PARTS CENTRE	P155 PARTS	-290.75
EFT24057	03/10/2018	LAURA TOMLINSON	REIMBURSEMENT FOR MEALS AND FUEL - DOT TRAINING	-216.98
EFT24058	03/10/2018	TOWN PLANNING INNOVATIONS	WANNOO WASTE DISPOSAL SITE	-185.63
EFT24059	03/10/2018	VALENTINES PAINTING SERVICE	PAINTING WOODEN PLYNTHS SBDC	-572.00
EFT24060	03/10/2018	WELLARD CONTRACTING & PLANT HIRE SERVICE	SEMI WATER TANKER DRY HIRE - USELESS LOOP ROAD	-6160.00
EFT24061	03/10/2018	WEST COAST FASTENERS PTY LTD	P155 FASTENERS	-50.33
EFT24092	11/10/2018	GERALDTON TOYOTA	NEW TOYOTA COROLLA HATCH EMCD VEHICLE P186 TRADE IN OF RAV 4 P169	-1569.93
EFT24093	11/10/2018	AIR LIQUIDE	GAS BOTTLE HIRE	-421.65
EFT24094	11/10/2018	AUSTRALIA POST	LOCAL POSTAGE - SEPTEMBER 2018	-567.88
EFT24095	11/10/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - THOMAS MORONEY - WEEKS BEGINNING 30 APRIL & 7 MAY 2018	-550.25
EFT24096	11/10/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	MAIN ROADS LINE MARKING PAINT	-283.08
EFT24097	11/10/2018	BOOKEASY AUSTRALIA PTY LTD	SBDC BOOKING COMMISSIONS	-1249.48
EFT24098	11/10/2018	BURTON TILING MAINTENANCE & RENOVATIONS	SBDC PREP AND PAINT WALLS	-808.50
EFT24099	11/10/2018	CHERYL LORRAINE COWELL	REIMBURSEMENT TAXI FARE - MEETING WITH V.CATANIA AND MEMBERS OF NATIONAL PARTY	-67.36
EFT24100	11/10/2018	CAMERON LANGRIDGE	SBDC MERCHANDISE	-632.60
EFT24101	11/10/2018	EYEFUL PROMOTIONS	RENDEZVOUS FESTIVAL EIFFEL TOWER HIRE	-2100.00
EFT24102	11/10/2018	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	ESL INCOME - LOCAL GOVERNMENT ADJUSTMENT	-111.57
EFT24103	11/10/2018	FAR WEST ELECTRICAL	REPAIR RECREATION CENTRE CARPARK LIGHTING	-247.50

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24104	11/10/2018	GYM CARE	GYM SERVICE, AUDIT AND SAFETY CHECK	-4051.90
EFT24105	11/10/2018	HORIZON POWER	STREET LIGHTING SEPTEMBER 2018	-3287.45
EFT24106	11/10/2018	JASMINE GANNAWAY	RENDEZVOUS FESTIVAL - ENTERTAINMENT	-550.00
EFT24107	11/10/2018	LANDGATE (WA LAND INFORMATION AUTHORITY)	GRV INTERIM VALUATIONS	-336.18
EFT24108	11/10/2018	LGISWA	LGIS PROPERTY INSURANCE, WORKERS COMPENSATION AND LIABILITY INSURANCE - SECOND INSTALMENT	-89748.97
EFT24109	11/10/2018	MARKETFORCE PTY LTD	RENDEZVOUS FESTIVAL ADVERTISING	-6884.17
EFT24110	11/10/2018	TRISHA SUSAN MORONEY	REIMBURSEMENT FOR KEYS CUT SBDC, DAYCARE	-62.65
EFT24111	11/10/2018	NEW SOUTH BOOKS	SBDC MERCHANDISE	-209.97
EFT24112	11/10/2018	OUTBACK COAST AUTOMOTIVES AND RADIATORS	P170 NEW TYRES AND P161 PUNCTURE REPAIR	-308.00
EFT24113	11/10/2018	LYONS ENTERPRISES-SHARK BAY CAR HIRE	CAR HIRE AND FUEL FOR SEPTEMBER 2018 – MEDICAL STAFF	-713.35
EFT24114	11/10/2018	SHARK BAY COMMUNITY RESOURCE CENTRE	SEPTEMBER MANAGEMENT OF RECREATION CENTRE	-5402.00
EFT24115	11/10/2018	SHARK BAY CLEANING SERVICE	SEPTEMBER CLEANING SHIRE PROPERTIES	-20587.04
EFT24116	11/10/2018	STRAYA CONTRACTING PTY LTD	FOOTPATH CONSTRUCTION FRY COURT	-24178.00
EFT24117	11/10/2018	MCKELL FAMILY TRUST	MONTHLY- RUBBISH COLLECTION	-10680.24
EFT24118	11/10/2018	STATE LAW PUBLISHER	PRINTING SPECIAL GOVERNMENT GAZETTE - LOCAL PLANNING SCHEME NO. 4	-5761.25
EFT24119	11/10/2018	TELSTRA CORPORATION LTD	TELSTRA PHONE SERVICE FOR SMS TO PUBLIC WITH COMMUNITY MESSAGES	-322.54
EFT24120	11/10/2018	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES SEPTEMBER 2018	-4269.38
EFT24121	11/10/2018	TPG TELECOM PTY LTD	SBDC SEPTEMBER INTERNET CHARGES	-108.90
EFT24122	11/10/2018	WELLARD CONTRACTING & PLANT HIRE SERVICE	MATERIAL CARTAGE – MONKEY MIA ROAD, HIRE WATER CART – USELESS ROAD, SIDE TIPPER HIRE – SHARK BAY ROAD	-20443.50
EFT24123	11/10/2018	GERALDINE REY	SB RENDEZVOUS FESTIVAL PERFORMER	-4000.00
EFT24129	19/10/2018	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS, BAS, GST AND FBT SEPT 2018	-46877.00
EFT24130	19/10/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - THOMAS MORONEY WEEK BEGINNING 8 OCTOBER 2018	-112.73

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24131	19/10/2018	SHARK BAY AVIATION	FLIGHT TO CARNARVON, CR RIDGLEY, CR LAUNDRY, CEO - LOCAL GOVERNMENT ACT REVIEW	-641.40
EFT24132	19/10/2018	BRIAN JOHN GALVIN	REIMBURSEMENT SALARY SACRIFICE	-2244.48
EFT24133	19/10/2018	BROOKS HIRE SERVICE PTY LTD	HIRE OF MULTY TYRED ROLLER – USELESS LOOP ROAD	-4693.08
EFT24134	19/10/2018	BRIAN WILLIAMS CARTAGE CONTRACTOR	MATERIAL CARTAGE TO MONKEY MIA AND SHARK BAY ROADS	-25371.50
EFT24135	19/10/2018	BLACKWOODS ATKINS	WORKSHOP CONSUMABLES	-142.86
EFT24136	19/10/2018	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	SBDC MERCHANDISE - PARK PASSES	-1242.12
EFT24137	19/10/2018	CORAL COAST PLUMBING	PENSIONER UNIT MAINTENANCE, UNIT 10 AND UNIT 7	-1342.23
EFT24138	19/10/2018	CONTROLLED IRRIGATION SUPPLIES AUSTRALIA	SPRINKLERS FOR FORESHORE PARKS, REC CENTRE AND TOWN OVAL	-1700.01
EFT24139	19/10/2018	FORTUS CPS WEAR PARTS	P156 GRADER BLADE	-2076.67
EFT24140	19/10/2018	ECOSCAPE	LITTLE LAGOON MASTER PLAN PROJECT	-2348.50
EFT24141	19/10/2018	DENHAM IGA X-PRESS	SHIRE MONTHLY ACCOUNT – SEPTEMBER 2018	-555.25
EFT24142	19/10/2018	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	2018/19 ESL SHIRE PREMISES	-3612.50
EFT24143	19/10/2018	SHARK BAY SUPERMARKET	SHIRE MONTHLY ACCOUNT – SEPTEMBER 2018	-82.48
EFT24144	19/10/2018	THE FLOWER POT	FLOWERS FOR G.FRANCIS - GERALDTON REGIONAL HOSPITAL	-100.00
EFT24145	19/10/2018	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	BULK FUEL - 11,000 LITRES, FUEL FOR P077, P169 AND P176	-17896.14
EFT24146	19/10/2018	HORIZON POWER	SHIRE PREMISES ELECTRICITY	-5418.93
EFT24147	19/10/2018	J & T FREIGHT	FREIGHT – PURCHER INTERNATIONAL	-119.70
EFT24148	19/10/2018	LAVIDA TRADING	SBDC MERCHANDISE	-3996.74
EFT24149	19/10/2018	MARKET FORCE ADVERTISING LTD	ADVERTISEMENT - PUBLIC NOTICES - SURPLUS VEHICLES 2018	-610.26
EFT24150	19/10/2018	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS - LOT 3 NORTH COASTAL HWY	-1231.67
EFT24151	19/10/2018	DES MATTHEWS	A1458 RATES REFUND - DOUBLE PAYMENT	-1296.00

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24152	19/10/2018	MIDWEST FIRE PROTECTION SERVICE	QUARTERLY SERVICING OF FIRE PUMP SYSTEM	-2227.28
EFT24153	19/10/2018	TRUE VALUE HARDWARE	SHIRE MONTHLY ACCOUNT – SEPTEMBER 2018	-785.10
EFT24154	19/10/2018	PLUMB ARTSWORKSHOP	TOWN HALL UPGRADES - 50% DEPOSIT	-13477.75
EFT24155	19/10/2018	PAUL GREGORY ANDERSON	SALARY SACRIFICE REIMBURSEMENT JUNE-SEPT 2018	-4100.35
EFT24156	19/10/2018	PURCHER INTERNATIONAL P/L	P174 PARTS	-948.34
EFT24157	19/10/2018	PEST-A-KILL	MICE MONITORING & BAITING - SBDC	-330.00
EFT24158	19/10/2018	PLUMOVATION	NEW TOILET SEAT PUBLIC TOILETS, PENSIONER UNIT LEAK	-605.00
EFT24159	19/10/2018	PRINTLOGIC	SBDC ADVERTISING	-861.30
EFT24160	19/10/2018	PROFESSIONAL PC SUPPORT	WORKSTATION MONITORING , REMOTE SERVICE AND BACKUP	-572.00
EFT24161	19/10/2018	RAY WHITE REAL ESTATE SHARK BAY	RENT UNIT 6/34 HUGHES STREET 29/10 - 27/11/18	-1191.66
EFT24162	19/10/2018	WINC AUSTRALIA PTY LIMITED	STATIONERY, TONERS AND MONTHLY MAINTENANCE CONTRACT	-2274.92
EFT24163	19/10/2018	SHARK BAY STATE EMERGENCY SERVICE UNIT INC	SECOND QUARTER LGGS FUNDS - SHARK BAY SES	-12738.00
EFT24164	19/10/2018	SHOPS FOR SHOPS	SBDC SHELVING	-51.90
EFT24165	19/10/2018	TELSTRA CORPORATION LTD	MOBILE PHONE ACCOUNT CDO AND REFUSE	-50.00
EFT24166	19/10/2018	TOLL EXPRESS	FREIGHT - FORTUS	-374.01
EFT24167	19/10/2018	TRUCKLINE PARTS CENTRE	P155 PARTS	-329.16
EFT24168	19/10/2018	WA MUSEUM	SBDC MERCHANDISE	-691.50
EFT24169	19/10/2018	HOLIDAY GUIDE PTY LTD (FORMERLY WEST-OZ WEB SERVICES)	AUGUST AND SEPTEMBER COMMISSION BOOKEASY	-246.55
EFT24170	19/10/2018	WATER TECHNOLOGY PTY LTD	DENHAM TOWNSITE COASTAL HAZARD RISK MANAGEMENT/ADAPTATION PLAN PROGRESS PAYMENT	-12710.72
EFT24171	23/10/2018	SHARK BAY BOWLING, SPORT AND RECREATION CLUB INC.	RATES REFUND FOR ASSESSMENT A4071 14 FRANCIS ROAD DENHAM – CANCELLATION OF BIN SERVICES	-900.27
EFT24173	30/10/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - THOMAS MORONEY - 19 OCTOBER 2018	-225.46

MINUTES OF THE ORDINARY COUNCIL MEETING

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24174	30/10/2018	AUSQ TRAINING	BASIC WORKSITE TRAFFIC MANAGEMENT & TRAFFIC CONTROLLER TRAINING FOR 12 STAFF	-1000.00
EFT24175	30/10/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	PARTS FOR MAINTENANCE AT PENSIONER UNITS AND SHIRE OFFICE	-70.68
EFT24176	30/10/2018	COVS AUTOMOTIVE, MINING & INDUSTRIAL SUPPLIES	P173 FILTER, PP124 FAN BELT	-222.45
EFT24177	30/10/2018	CAT WEST ROAD SERVICES	POD OF EMULSION 1000L	-1848.00
EFT24178	30/10/2018	SHARK BAY FUEL FISHING AND CAMPING CENTRE	MONTHLY ACCOUNT SHIRE PURCHASES	-732.37
EFT24179	30/10/2018	TOLL IPEC PTY LTD	FREIGHT, LIBRARY SERVICES, P155 AND TOWN PARKS AND GARDEN	-187.90
EFT24180	30/10/2018	J & T FREIGHT	FREIGHT - CAT WEST	-261.30
EFT24181	30/10/2018	MIDWEST FIRE PROTECTION SERVICE	SERVICE OF FIRE EXTINGUISHERS – SHIRE PREMISES AND VEHICLES	-2227.94
EFT24182	30/10/2018	MOORE STEPHENS	ROADS TO RECOVERY - ANNUAL RETURN AUDIT - 30 JUNE 18	-1705.00
EFT24183	30/10/2018	BUCKINGHAM PEWTER	SBDC MERCHANDISE	-498.91
EFT24184	30/10/2018	SHARK BAY NEWSAGENCY	PAPER FOR SHIRE PRINTING	-399.50
EFT24185	30/10/2018	SHARK BAY MECHANICAL & TOWING SERVICES	PUMP OUT OF PORTA LOOS - RENDEZVOUS FESTIVAL	-150.00
EFT24186	30/10/2018	SHIRE OF SHARK BAY - TRUST ACCOUNT	GYM CARD BRAD LYONS – PREVIOUSLY FORFEITED CARD REINSTATED TO TRUST	-20.00
EFT24187	30/10/2018	TELSTRA CORPORATION LTD	SHIRE GROUP PLAN AND MOBILE PHONES	-2021.03
			TOTAL	\$497,798.82

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

**SHIRE OF SHARK BAY – TRUST EFT
OCTOBER 2018**

EFT 24124-24128, 24172, 24206-24226

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24124	17/10/2018	CONSTRUCTION TRAINING FUND	CTF LOT 304 DIRK HARTOG ISLAND PERMIT 3299	-762.77
EFT24125	17/10/2018	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BUILDING LEVY LOT 304 DIRK HARTOG ISLAND PERMIT 3299	-524.46
EFT24126	17/10/2018	JEFF BOOKER	GYM CARD DEPOSIT REFUND	-20.00
EFT24127	17/10/2018	JACLYN LYONS	GYM CARD DEPOSIT REFUND	-20.00
EFT24128	17/10/2018	SHIRE OF SHARK BAY - MUNI ACCOUNT	CTF COLLECTION FEE PERMIT 3300	-39.75
EFT24172	24/10/2018	ANDRE PAULINO	CHAIR HIRE DEPOSIT REFUND	-200.00
EFT24206	31/10/2018	MAC ATTACK FISHING CHARTERS	BOOKEASY OCTOBER 2018	-1334.50
EFT24207	31/10/2018	SHARK BAY AVIATION	BOOKEASY OCTOBER 2018	-3929.20
EFT24208	31/10/2018	BLUE DOLPHIN CARAVAN PARK	BOOKEASY OCTOBER 2018	-136.00
EFT24209	31/10/2018	BAY LODGE MIDWEST OASIS	BOOKEASY OCTOBER 2018	-149.60
EFT24210	31/10/2018	HOWARD COCK	BOOKEASY OCTOBER 2018	-119.80
EFT24211	31/10/2018	SHARK BAY COASTAL TOURS	BOOKEASY OCTOBER 2018	-1636.80
EFT24212	31/10/2018	DENHAM SEASIDE CARAVAN PARK	BOOKEASY OCTOBER 2018	-645.04
EFT24213	31/10/2018	HARTOG COTTAGES	BOOKEASY OCTOBER 2018	-2498.60
EFT24214	31/10/2018	HINCHY PUBLICATIONS	BOOKEASY OCTOBER 2018	-44.32
EFT24215	31/10/2018	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY OCTOBER 2018	-4793.36
EFT24216	31/10/2018	MONKEYMIA WILDSIGHTS	WILDSIGHTS OCTOBER 2018	-2471.04
EFT24217	31/10/2018	NINGALOO REEF DIVE	BOOKEASY OCTOBER 2018	-131.75
EFT24218	31/10/2018	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY OCTOBER 2018	-2402.40
EFT24219	31/10/2018	PATRICA ANDREW	BOOKEASY OCTOBER 2018	-296.00
EFT24220	31/10/2018	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY OCTOBER 2018	-918.00

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24221	31/10/2018	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY OCTOBER 2018	-1334.96
EFT24222	31/10/2018	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY OCTOBER 2018	-2312.00
EFT24223	31/10/2018	SHARK BAY 4WD TOURS	BOOKEASY OCTOBER 2018	-3625.25
EFT24224	31/10/2018	SHARK BAY COTTAGES	BOOKEASY OCTOBER 2018	-3791.25
EFT24225	31/10/2018	SHIRE OF SHARK BAY - MUNI ACCOUNT	BOOKEASY OCTOBER 2018	-5317.54
EFT24226	31/10/2018	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY OCTOBER 2018	-350.24
			TOTAL	\$39,804.63

**SHIRE OF SHARK BAY – TRUST TRANSACTION
OCTOBER 2018
TRUST POLICE LICENSING TRANSACTION # 181904**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
181904	31/10/2018	COMMISSIONER OF POLICE	POLICE LICENSING OCTOBER 2018	-19813.40
			TOTAL	\$19,813.40

28 November 2018

12.2 FINANCIAL REPORTS TO 30 OCTOBER 2018
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Laundry
Seconded Cr Burton

Council Resolution

**That the monthly financial report to 31 October 2018 as attached be received.
6/0 CARRIED**

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **31 October 2018** are attached.

LEGAL IMPLICATIONS

Section 34 of the *Local Government (Financial Management) Regulations 1996*, requires a financial report to be submitted to Council on a monthly basis.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The financial report shows that the finances of the Shire are in line with its adopted budget.

STRATEGIC IMPLICATIONS

Outcome 1.2 To improve fiscal management practices and procedures and maximise operating revenue and social capital.

RISK MANAGEMENT

The financial report reports on the current financial status and this is currently viewed as a low risk to Council.

Voting Requirements

Simple Majority Required

Signature

Author
Chief Executive Officer
Date of Report

A Pears
P Anderson
19 November 2018

28 November 2018

SHIRE OF SHARK BAY	
MONTHLY FINANCIAL REPORT	
For the Period Ended 31 October 2018	
LOCAL GOVERNMENT ACT 1995	
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996	
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MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 October 2018							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		58,800	57,932	38,963	(18,969)	(32.74%)	▼
General Purpose Funding - Rates	9	1,303,336	1,293,252	1,396,417	103,165	7.98%	▲
General Purpose Funding - Other		1,005,532	260,201	261,732	1,531	0.6%	▲
Law, Order and Public Safety		84,987	49,995	24,078	(25,916)	(52%)	▼
Health		1,550	520	1,739	1,219	234.38%	▲
Housing		102,610	34,284	41,656	7,372	21.5%	▲
Community Amenities		308,548	233,737	248,367	14,630	6.26%	▲
Recreation and Culture		235,476	79,358	143,268	63,910	80.5%	▲
Transport		470,644	218,385	253,248	34,863	16.0%	▲
Economic Services		796,087	320,778	448,306	127,528	39.8%	▲
Other Property and Services		35,000	11,668	13,747	2,079	17.8%	▲
Total Operating Revenue		4,402,570	2,560,109	2,871,521	311,412	12.16%	
Operating Expense							
Governance		(323,208)	(288,245)	(124,283)	163,962	(56.9%)	▲
General Purpose Funding		(122,234)	(41,092)	(44,245)	(3,153)	7.7%	▼
Law, Order and Public Safety		(385,432)	(202,487)	(117,398)	85,089	(42.0%)	▲
Health		(76,922)	(25,887)	(18,188)	7,699	(29.7%)	▲
Housing		(196,115)	(73,573)	(62,087)	11,486	(15.6%)	▲
Community Amenities		(748,751)	(260,418)	(212,854)	47,564	(18.3%)	▲
Recreation and Culture		(2,244,626)	(809,315)	(475,083)	334,232	(41.3%)	▲
Transport		(1,777,877)	(685,459)	(346,723)	338,736	(49.4%)	▲
Economic Services		(1,191,491)	(506,911)	(473,504)	33,407	(6.6%)	▲
Other Property and Services		(34,750)	(47,224)	48,603	95,827	(202.9%)	▲
Total Operating Expenditure		(7,101,406)	(2,940,611)	(1,825,762)	1,114,849	(37.9%)	
Funding Balance Adjustments							
Add back Depreciation		2,018,120	680,038	0	(680,038)		
Adjust (Profit)/Loss on Asset Disposal	8	112,389	0	(2,273)	(2,273)		
Adjust Provisions and Accruals		10,000	0	0			
Net Cash from Operations		(558,327)	299,536	1,043,486	743,950		
Capital Revenues							
Grants, Subsidies and Contributions	11	481,298	153,437	168,312	14,875	9.7%	▲
Proceeds from Disposal of Assets	8	288,636	22,273	22,273	0	0.0%	
Total Capital Revenues		769,934	175,710	190,585	14,875	8.5%	
Capital Expenses							
Land Held for Resale							
Land and Buildings	13	(141,355)	(80,517)	(13,417)	67,100	83.34%	▲
Infrastructure - Roads	13	(555,227)	(118,456)	(80,776)	37,680	31.8%	▲
Infrastructure - Public Facilities	13	(804,066)	(4,066)	(7,412)	(3,346)	(82.3%)	▼
Infrastructure - Streetscapes	13	0	0	0	0	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	(40,000)	(46,980)	(6,980)	(17.5%)	▼
Infrastructure - Drainage	13	0	0	0	0		▲
Plant and Equipment	13	(766,138)	(683,580)	(25,515)	658,065	96.3%	▲
Furniture and Equipment	13	(15,000)	(15,000)	0	15,000	0.0%	▲
Total Capital Expenditure		(2,331,786)	(941,619)	(174,100)	767,520	81.5%	
Net Cash from Capital Activities		(1,561,852)	(765,909)	16,485	782,395	102.15%	
Financing							
Proceeds from Loans		800,000	0	0	0		
Transfer from Reserves	7	680,745	680,744	680,744	0	0.0%	
Repayment of Debentures	10	(84,414)	(26,039)	(26,039)	0	0.0%	
Transfer to Reserves	7	(769,544)	(541,291)	(541,291)	0	0.0%	
Loans to Community Groups		0	0	0	0	0.0%	
Net Cash from Financing Activities		626,787	113,414	113,414	0	(0.0%)	
Net Operations, Capital and Financing		(1,493,392)	(352,959)	1,173,386	1,526,345	432.44%	▲
Opening Funding Surplus(Deficit)	3	1,493,392	1,493,392	1,493,392	0		
Closing Funding Surplus(Deficit)	3	0	1,140,433	2,666,778	1,526,345	133.84%	▲

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

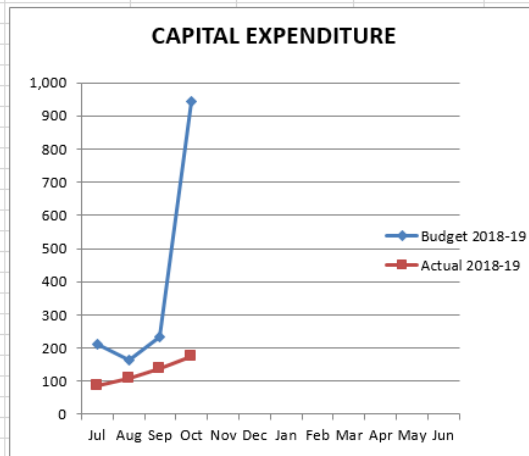
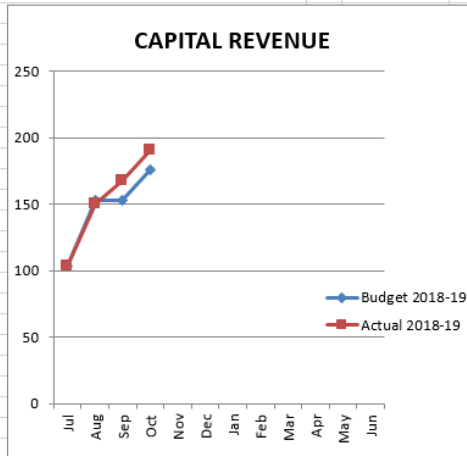
SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 October 2018				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
Operating Revenues		\$	\$	\$
Rates	9	1,303,336	1,293,252	1,396,417
Operating Grants, Subsidies and Contributions	11	1,411,893	477,055	493,927
Fees and Charges		1,462,040	673,472	875,786
Interest Earnings		49,155	16,619	18,804
Other Revenue		161,146	84,712	84,314
Profit on Disposal of Assets	8	15,000	15,000	2,273
Total Operating Revenue		4,402,570	2,560,109	2,871,521
Operating Expense				
Employee Costs		(2,243,191)	(810,480)	(808,077)
Materials and Contracts		(2,142,455)	(987,616)	(721,462)
Utility Charges		(190,175)	(63,736)	(32,563)
Depreciation on Non-Current Assets		(2,018,120)	(680,038)	0
Interest Expenses		(24,755)	(1,340)	(1,178)
Insurance Expenses		(156,026)	(156,026)	(151,277)
Other Expenditure		(199,295)	(124,098)	(111,204)
Loss on Disposal of Assets	8	(127,389)	(117,278)	0
Total Operating Expenditure		(7,101,406)	(2,940,611)	(1,825,762)
Funding Balance Adjustments				
Add back Depreciation		2,018,120	680,038	0
Adjust (Profit)/Loss on Asset Disposal	8	112,389	0	(2,273)
Adjust Provisions and Accruals		10,000	0	0
Net Cash from Operations		(558,327)	299,536	1,043,487
Capital Revenues				
Grants, Subsidies and Contributions	11	481,298	153,437	168,312
Proceeds from Disposal of Assets	8	288,636	22,273	22,273
Total Capital Revenues		769,934	175,710	190,585
Capital Expenses				
Land Held for Resale				
Land and Buildings	13	(141,355)	(80,517)	(13,417)
Infrastructure - Roads	13	(555,227)	(118,456)	(80,776)
Infrastructure - Public Facilities	13	(804,066)	(4,066)	(7,412)
Infrastructure - Streetscapes	13	0	0	0
Infrastructure - Footpaths	13	(50,000)	(40,000)	(46,980)
Infrastructure - Drainage	13	0	0	0
Plant and Equipment	13	(766,138)	(683,580)	(25,515)
Furniture and Equipment	13	(15,000)	(15,000)	0
Total Capital Expenditure		(2,331,786)	(941,619)	(174,100)
Net Cash from Capital Activities		(1,561,852)	(765,909)	16,485
Financing				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	680,745	680,744	680,744
Repayment of Debentures	10	(84,414)	(26,039)	(26,039)
Transfer to Reserves	7	(769,544)	(541,291)	(541,291)
Loans to Community Groups		0	0	0
Net Cash from Financing Activities		626,787	113,414	113,414
Net Operations, Capital and Financing		(1,493,392)	(352,959)	1,173,386
Opening Funding Surplus(Deficit)	3	1,493,392	1,493,392	1,493,392
Closing Funding Surplus(Deficit)	3	0	1,140,433	2,666,778

MINUTES OF THE ORDINARY COUNCIL MEETING

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SHIRE OF SHARK BAY
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 31 October 2018

Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	12,253	1,164	13,417	80,517	141,355	67,100
Infrastructure Assets - Roads	13	0	80,776	80,776	118,456	555,227	37,680
Infrastructure Assets - Public Facilities	13	7,412	0	7,412	4,066	804,066	(3,346)
Infrastructure Assets - Footpaths	13	46,980	0	46,980	40,000	50,000	(6,980)
Infrastructure Assets - Drainage	13	0	0	0	0	0	0
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0
Plant and Equipment	13	0	25,515	25,515	683,580	766,138	658,065
Furniture and Equipment	13	0	0	0	15,000	15,000	15,000
Capital Expenditure Totals		66,644	107,455	174,100	941,619	2,331,786	767,520



MINUTES OF THE ORDINARY COUNCIL MEETING

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SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 October 2018	
1. SIGNIFICANT ACCOUNTING POLICIES	
(a) Basis of Preparation	
	This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.
	Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.
	The Local Government Reporting Entity
	All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.
	In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.
	All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.
(b) Rounding Off Figures	
	All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.
(c) Rates, Grants, Donations and Other Contributions	
	Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.
	Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.
(d) Goods and Services Tax (GST)	
	Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).
	Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.
	Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.
(e) Superannuation	
	The Council contributes to a number of Superannuation Funds on behalf of employees.
	All funds to which the Council contributes are defined contribution plans.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 October 2018				
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(f) Cash and Cash Equivalents				
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.				
Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.				
(g) Trade and Other Receivables				
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.				
Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.				
Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.				
(h) Inventories				
General				
Inventories are measured at the lower of cost and net realisable value.				
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.				
Land Held for Resale				
Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.				
Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.				
Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.				
(i) Fixed Assets				
Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.				
Mandatory Requirement to Revalue Non-Current Assets				
Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.				

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2018					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
<i>Land Under Control</i>					
In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.					
Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.					
Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.					
<i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i>					
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.					
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.					
Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.					

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 October 2018				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
	(j) Fixed Assets (Continued)			
	Revaluation			
	Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.			
	Transitional Arrangement			
	During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.			
	Those assets carried at cost will be carried in accordance with the policy detailed in the Initial Recognition section as detailed above.			
	Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.			
	Land Under Roads			
	In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.			
	Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.			
	Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.			
	Depreciation			
	The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.			

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 2018			
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(j) Fixed Assets (Continued)			
Major depreciation periods used for each class of depreciable asset are:			
Buildings			10 to 50 years
Furniture and Equipment			5 to 10 years
Plant and Equipment			5 to 10 years
Heritage			25 to 100 years
Sealed Roads and Streets			
- Subgrade			Not Depreciated
- Pavement			80 to 100 years
- Seal	Bituminous Seals		15 to 22 years
	Asphalt Surfaces		30 years
Formed Roads (Unsealed)			
- Subgrade			Not Depreciated
- Pavement			18 years
Footpaths			40 to 80 years
Drainage Systems			
- Drains and Kerbs			20 to 60 years
- Culverts			60 years
- Pipes			80 years
- Pits			60 years
The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.			
An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.			
Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.			
When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.			
Capitalisation Threshold			
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.			
(k) Fair Value of Assets and Liabilities			
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:			
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.			

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 2018			
✔	1. SIGNIFICANT ACCOUNTING POLICIES (Continued)		
	(k) Fair Value of Assets and Liabilities (Continued)		
		As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.	
		To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).	
		For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.	
		Fair Value Hierarchy	
		AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:	
		Level 1	
		Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.	
		Level 2	
		Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.	
		Level 3	
		Measurements based on unobservable inputs for the asset or liability.	
		The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.	
		Valuation techniques	
		The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:	
		Market approach	
		Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.	

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2018					
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(k)	Fair Value of Assets and Liabilities (Continued)				
	Income approach				
	Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.				
	Cost approach				
	Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.				
	Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.				
	As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.				
(l)	Financial Instruments				
	Initial Recognition and Measurement				
	Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).				
	Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.				
	Classification and Subsequent Measurement				
	Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.				
	Amortised cost is calculated as:				
	(a) the amount in which the financial asset or financial liability is measured at initial recognition;				
	(b) less principal repayments and any reduction for impairment; and				
	(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.				

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 2018			
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(I) Financial Instruments (Continued)			
<p>The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.</p>			
<i>(i) Financial assets at fair value through profit and loss</i>			
<p>Financial assets are classified as "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.</p>			
<i>(ii) Loans and receivables</i>			
<p>Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>			
<p>Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.</p>			
<i>(iii) Held-to-maturity investments</i>			
<p>Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>			
<p>Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.</p>			
<i>(iv) Available-for-sale financial assets</i>			
<p>Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.</p>			
<p>They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.</p>			
<p>Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.</p>			
<i>(v) Financial liabilities</i>			
<p>Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.</p>			

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 October 2018	
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(l) Financial Instruments (Continued)	
<p>The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.</p>	
<i>(i) Financial assets at fair value through profit and loss</i>	
<p>Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.</p>	
<i>(ii) Loans and receivables</i>	
<p>Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>	
<p>Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.</p>	
<i>(iii) Held-to-maturity investments</i>	
<p>Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>	
<p>Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.</p>	
<i>(iv) Available-for-sale financial assets</i>	
<p>Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 October 2018	
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(l) Financial Instruments (Continued)	
<i>Impairment</i>	
A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).	
In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.	
In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.	
For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.	
<i>Derecognition</i>	
Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.	
Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.	
(m) Impairment of Assets	
In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.	
Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.	
Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.	

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 2018			
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(m) Impairment of Assets (Continued)			
For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.			
(n) Trade and Other Payables			
Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.			
(o) Employee Benefits			
Short-Term Employee Benefits			
Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.			
The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.			
Other Long-Term Employee Benefits			
Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.			
The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.			

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2018					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(p) Borrowing Costs					
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.					
(q) Provisions					
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.					
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.					
(r) Current and Non-Current Classification					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.					

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 October 2018					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	(18,969)	(32.7%)	▼	Timing	Insurance Reimbursement and Timing of Sale of Assets to occur later than budget timing
General Purpose Funding - Rates	103,165	8.0%	▲	Timing	Various Concessions have not been applied for Ie RAC, Yadgalah and MRAC
General Purpose Funding - Other	1,531	0.6%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	(25,916)	(51.8%)	▼	Timing	CHRMAP Grant Funding budgeted to be received earlier
Health	1,219	234.4%	▲	Timing	No Reportable Variance
Housing	7,372	21.5%	▲	Timing	Pensioner and 16A Sunter Rent Received in Advance
Community Amenities	14,630	6.3%	▲	Permanent	Increase in Refuse Removal and Refuse Site Fees compared to Budget
Recreation and Culture	63,910	80.5%	▲	Permanent	Increase in SBDC Sales and Entrance Fees compared to budget
Transport	34,863	16.0%	▲	Permanent	Additional Road Preservation Grant of \$40K received
Economic Services	127,528	39.8%	▲	Timing	Variance due to MRWA Private Works budget timing and increase in Caravan Park Leases
Other Property and Services	2,079	17.8%	▲	Timing	No Reportable Variance
Operating Expense					
Governance	163,962	(56.9%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
General Purpose Funding	(3,153)	7.7%	▼	Permanent	No reportable variance.
Law, Order and Public Safety	85,089	(42.0%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Health	7,699	(29.7%)	▲	Timing	Overall underspend in expenses compared to budget
Housing	11,486	(15.6%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Community Amenities	47,564	(18.3%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Recreation and Culture	334,232	(41.3%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised and overall underspend
Transport	338,736	(49.4%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised and overall underspend
Economic Services	33,407	(6.6%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Other Property and Services	95,827	(202.9%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Capital Revenues					
Grants, Subsidies and Contributions	14,875	9.7%	▲	Timing	Grant for CCTV not included in budget 18K
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No Reportable Variance
Capital Expenses					
Land and Buildings	67,100	83.3%	▲	Timing	No Housing or Depot Building Projects have commenced
Infrastructure - Roads	37,680	31.8%	▲	Timing	Eagle Bluff Road commenced earlier than anticipated in budget offset by Useless Loop Road yet to commence
Infrastructure - Public Facilities	(3,346)	(82.3%)	▼	Timing	Refuse and Recycling Project close to finalisation
Infrastructure - Footpaths	(6,980)	0.0%	▼	Timing	Expenditure on Footpaths commenced earlier than anticipated in budget
Plant and Equipment	658,065	96.3%	▲	Timing	Major Capital Plant purchases have not commenced
Financing					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

Note: YTD budgets are an estimation at the time of preparing the annual budget.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 2018			
Note 3: NET CURRENT FUNDING POSITION			
		Positive=Surplus (Negative=Deficit)	
	Note	31 October 2018	31 October 2017
		\$	\$
Current Assets			
Cash Unrestricted	4	1,898,299	2,500,184
Cash Restricted	4	1,561,083	1,196,830
Receivables - Rates	6	720,327	560,556
Receivables -Other	6	315,256	52,347
Interest / ATO Receivable		19,550	13,896
Inventories		125,216	187,603
		4,639,730	4,511,416
Less: Current Liabilities			
Payables		(162,330)	(196,439)
Provisions		(249,539)	(203,734)
Royalties for Regions Funding		0	
		(411,869)	(400,173)
Less: Cash Reserves	7	(1,561,083)	(1,196,830)
Net Current Funding Position		2,666,778	2,914,413

Note 3 - Liquidity Over the Year

Month	2016-17 (\$ '000s)	2017-18 (\$ '000s)	2018-19 (\$ '000s)
Jul	4,100	2,200	1,500
Aug	2,700	3,800	3,100
Sep	2,500	3,400	3,000
Oct	1,200	2,900	2,700
Nov	1,900	3,000	3,000
Dec	1,800	3,000	3,000
Jan	1,100	2,700	2,700
Feb	2,200	2,600	2,600
Mar	1,900	2,200	2,200
Apr	1,600	1,700	1,700
May	2,600	1,700	1,700
Jun	2,200	1,700	1,700

Comments - Net Current Funding Position

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

**Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2018**

Note 4: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	0.10%	265,484			265,484	Bankwest	At Call
Reserve Bank Account	0.00%		6,083		6,083	Bankwest	At Call
Telenet Saver	1.10%	1,032,015			1,032,015	Bankwest	At Call
Trust Bank Account	0.00%			10,040	10,040	Bankwest	At Call
Cash On Hand		800			800		On Hand
(b) Term Deposits							
					0		
Municipal Investment	2.35%	600,000			600,000	Bankwest	27/12/2018
Reserve Investment	2.35%		1,555,000		1,555,000	Bankwest	21/12/2018
Total		1,898,299	1,561,083	10,040	3,469,421		

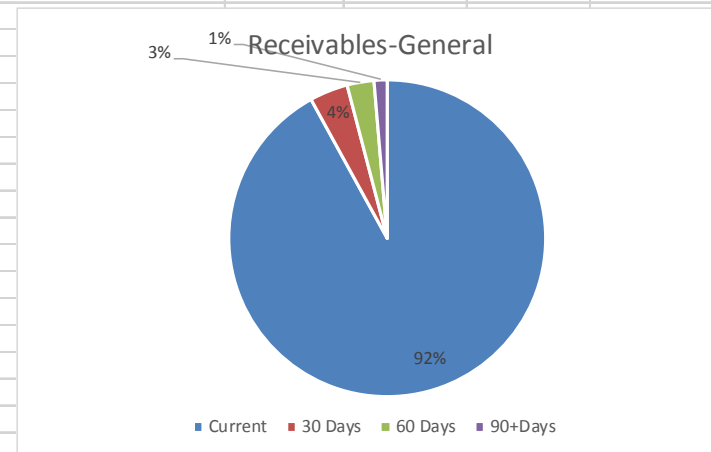
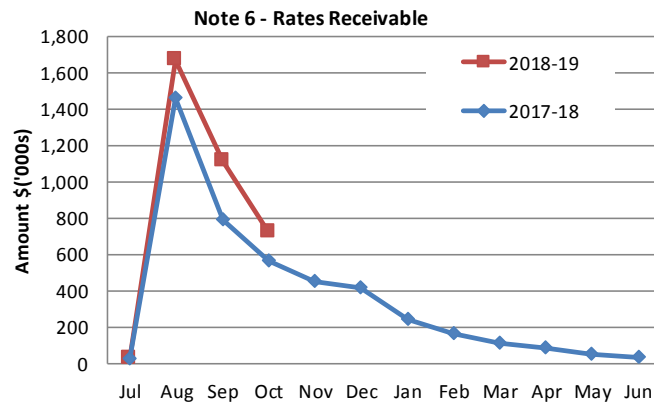
Comments/Notes - Investments

Surplus funds invested for terms conducive to cashflow requirements.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 October 2018				
Note 6: RECEIVABLES				
Receivables - Rates Receivable	31 October 2018	30 June 2018	Receivables - General	Current 30 Days 60 Days 90+Days
	\$	\$		\$ \$ \$ \$
Opening Arrears Previous Years	36,578	25,814	Receivables - General	289,095 12,310 8,590 4,200
Levied this year	1,700,038	1,288,212	Total Receivables General Outstanding	314,195
Less Collections to date	(1,016,289)	(1,277,448)	Amounts shown above include GST (where applicable)	
Equals Current Outstanding	720,327	36,578		
Net Rates Collectable	720,327	36,578		
% Collected	58.52%	97.22%		



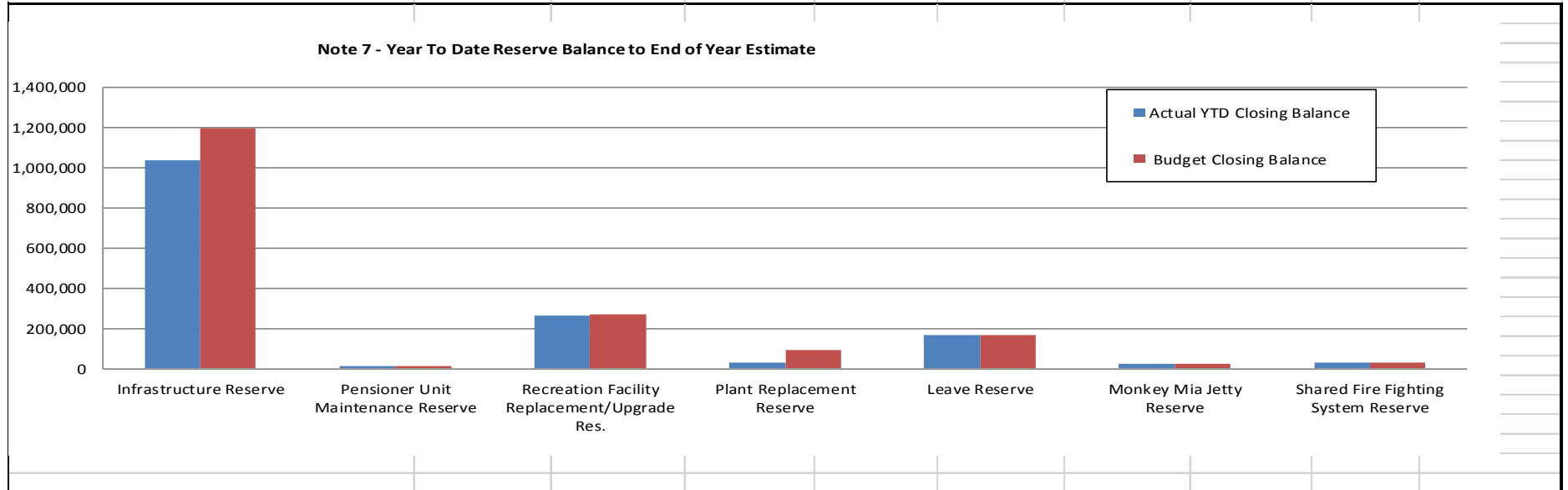
Comments/Notes - Receivables Rates

No major issues at this time

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 October 2018									
<u>Note 7: Cash Backed Reserve</u>									
2018-19									
Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
Infrastructure Reserve	\$ 1,075,755	\$ 13,500	\$ 1,791	\$ 218,577	\$ 74,606	\$ (114,606)	\$ (114,606)	\$ 1,193,226	\$ 1,037,546
Pensioner Unit Maintenance Reserve	10,748	15	2	25,000	25,000	(25,000)	(25,000)	10,763	10,750
Recreation Facility Replacement/Upgrade Res.	264,546	6,250	827	0	0	0	0	270,796	265,373
Plant Replacement Reserve	165,608	1,100	172	468,227	404,591	(541,139)	(541,138)	93,796	29,233
Leave Reserve	133,402	2,000	269	33,900	33,900	0	0	169,302	167,571
Monkey Mia Jetty Reserve	21,586	400	57	0	0	0	0	21,986	21,643
Shared Fire Fighting System Reserve	28,891	575	76	0	0	0	0	29,466	28,967
	1,700,536	23,840	3,194	745,704	538,097	(680,745)	(680,744)	1,789,335	1,561,083



MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 2018								
Note 8 CAPITAL DISPOSALS								
Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget			
					YTD 31 10 2018			
Cost	Accum Depr	Proceeds	Profit (Loss)		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance	
\$	\$	\$	\$		\$	\$	\$	
				Plant and Equipment				
				Governance				
MV176			0	CEO Vehicle	(10,111)	0	10,111	
MV170	37,866	(17,866)	22,273	EMFA Vehicle	9,000	2,273	(6,727)	
MV169				EMCD Vehicle	6,000	0	(6,000)	
	37,866	(17,866)	22,273		4,889	2,273	(2,616)	
				Transport				
MV172				Dual Cab Ute Works Manager	(8,262)		8,262	
MV171				Dual Cab Ute Town	(10,568)		10,568	
MV173				Dual Cab Ute Country	(11,046)		11,046	
MV142				Ride on Lawn Mower	1,025		(1,025)	
MV138				Town Loader	(65,885)		65,885	
MV111				Multi Tyred Rubber Roller	0		0	
MV134				Vibration Roller	(22,542)		22,542	
	0	0	0		(117,278)	0	117,278	
	37,866	(17,866)	22,273		(112,389)	2,273	114,662	
Comments - Capital Disposal/Replacements								

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 October 2018											
NOTE 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2018/19 Budget Rate Revenue \$	2018/19 Budget Interim Rate \$	2018/19 Budget Back Rate \$	2018/19 Budget Total Revenue \$
RATE TYPE											
Differential General Rate											
GRV Residential	0.098885	309	3,681,102	365,446			365,446	364,005			364,005
GRV Commercial	0.101620	43	2,123,918	214,353	528	126	215,007	215,832			215,832
GRV Vacant	0.098885	17	331,334	32,764	1,848		34,612	32,763			32,763
GRV Rural Commercial	0.102773	5	304,200	31,264	214	51	31,528	31,264			31,264
GRV Industrial/Residential	0.109426	45	619,128	67,749	334	4	68,086	67,749			67,749
GRV Industrial/Residential Vaca	0.098885	2	17,100	1,691			1,691	1,691			1,691
GRV Rural Resort	0.108482	2	1,112,800	120,719			120,719	120,719			120,719
UV General	0.200085	7	1,150,738	238,613			238,613	230,245			230,245
UV Pastoral	0.137028	11	617,360	84,596			84,596	84,596			84,596
UV Mining	0.272901	1	6,990	1,969			1,969	1,908			1,908
UV Exploration	0.262395	8	601,023	162,797	15,471	1,034	179,302	157,705			157,705
Sub-Totals		450	10,565,693	1,321,960	18,394	1,215	1,341,569	1,308,477	0	0	1,308,477
Minimum Payment											
GRV Residential	850.00	59	443,150	51,000			51,000	50,150			50,150
GRV Commercial	850.00	17	93,832	14,450			14,450	14,450			14,450
GRV Vacant	850.00	84	274,870	70,550			70,550	71,400			71,400
GRV Rural Commercial	850.00	0	0	0			0	0			0
GRV Industrial/Residential	850.00	3	19,760	2,550			2,550	2,550			2,550
GRV Industrial/Residential Vaca	530.00	0	0	0			0	0			0
GRV Rural Resort	850.00	0	0	0			0	0			0
UV General	890.00	7	23,060	6,230			6,230	6,230			6,230
UV Pastoral	890.00	0	0	0			0	0			0
UV Mining	890.00	1	596	890			890	890			890
UV Exploration	890.00	1	1,941	890			890	890			890
Sub-Totals		172	857,209	146,560	0	0	146,560	146,560	0	0	146,560
Excess Rates 17/18 and 18/19 Impact							(20,084)				(10,000)
Concessions							(107,553)				(179,221)
Amount from General Rates							1,360,492				1,265,816
Specified Area Rates							35,925				37,520
Totals							1,396,417				1,303,336
Comments - Rating Information											

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 2018								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-18	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			2018/19 Actual \$	2018/19 Budget \$	2018/19 Actual \$	2018/19 Budget \$	2018/19 Actual \$	2018/19 Budget \$
Loan 57 Monkey Mia Bore	165,022	0	15,050	30,406	149,972	134,616	1,493	7,114
Loan 53 - Staff Housing	22,333	0	10,988	22,333	11,345	0	35	440
Loan 56 - Staff Housing	46,707	0	0	17,860	46,707	28,847	(350)	2,758
Loan - Town Oval Bore	0	800,000	0	13,815	0	786,185	0	14,440
	234,062	800,000	26,039	84,414	208,023	949,648	1,178	24,752

All debenture repayments are financed by general purpose revenue except Loan 57 which is funded through a Specified Area Rate.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 2018								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2018-19 Original Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y	719,551	0	719,551	0	179,888	539,663
Grants Commission - Roads	WALGGC	Y	215,001	0	215,001	0	53,750	161,251
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	6,248	0	6,248	0	5,465	784
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	34,740	0	34,740	0	12,154	22,586
Coastal Hazard Risk Management & Adaption Plan	WA Planning Commission	Y	32,500	0	32,500	0	0	32,500
RECREATION AND CULTURE								
Upgrade Town Hall Stage	Shark Bay Entertainers Contribution	Y	3,500	0	0	3,500	0	3,500
Upgrade Town Hall Stage	Lotteries Commission	Y	45,855	0	0	45,855	45,855	0
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	0	0	0	0	114	0
TRANSPORT								
Road Preservation Grant	State Initiative - Main Roads WA	Y	65,254	0	65,254	0	106,056	(40,802)
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	132,000	198,000
Contributions - Road Projects	Pipeline	Y	8,600	0	8,600	0	0	8,600
Roads To Recovery Grant - Cap	Roads to Recovery	Y	199,878	0	0	199,878	0	199,878
RRG Grants - Capital Projects	Regional Road Group	Y	232,065	0	0	232,065	104,082	127,983
CCTV - Depot	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
CCTV - Monkey Mia	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
ECONOMIC SERVICES								
Support for Local Road Safety Activities	WALGA	Y	0	0	0	0	1,500	(1,500)
CCTV Foreshore	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
Destination Shark Bay Brand Development	Shark Bay Tourism Association	Y	0	0	0	0	3,000	(3,000)
		Y	0					
TOTALS			1,893,192	0	1,411,894	481,298	662,239	1,231,068
		Operating	1,411,894				493,927	
		Non-operating	481,298				168,312	
			1,893,192				662,239	
Comments - Operating and Non Operating Grants								

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 October 2018				
Note 12: TRUST FUND				
Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:				
Description	Opening Balance 1 Jul 18	Amount Received	Amount Paid	Closing Balance 31-Oct-18
	\$	\$	\$	\$
CITF Levy	0	1,690	(1,690)	0
Library Card Bond	50	100	(100)	50
Bookeasy- Sales	0	211,043	(211,043)	0
Kerb/Footpath Deposit	4,300	0	0	4,300
Bond Key	2,300	760	(520)	2,540
Hall Bond	0	475	(200)	275
Police Licensing	2,063	103,495	(105,190)	368
Election Deposit	0			0
Marquee Deposit	0			0
Building Licence Levy	0	1,215	(1,215)	0
Road Reserve - Hughes Street	2,298	0		2,298
Tour Sales	0			0
Property Rental Bonds	1,820		(1,820)	0
Rates Unidentified Deposit	210			210
	13,041	318,778	(321,778)	10,040

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CAPITAL WORKS PROGRAM 2018/19								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Land and Buildings								
Housing								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.1.2	CEO	(10,000)	(3,332)	0	3,332	0	
Staff Housing - 65 Brockman St	1.1.2	EMCD	(10,000)	(3,332)	0	3,332	0	
Staff Housing - 51 Durlacher St	1.1.2	EMFA	(10,000)	(3,332)	0	3,332	0	
Staff Housing - 80 Durlacher St	1.1.2	EMCD	(10,000)	(3,332)	0	3,332	0	
Pensioner Units Capital	1.1.3	EMCD	(25,000)	(4,166)	(1,164)	3,002	1,164	
Housing Total			(65,000)	(17,494)	(1,164)	16,330	1,164	
Recreation and Culture								
Denham Town Hall Stage Upgrade	2.2.1	EMCD	(56,355)	(56,355)	(12,253)	44,103	0	
Recreation and Culture Total			(56,355)	(56,355)	(12,253)	44,103	0	
Transport								
Depot- New Ablution	2.2.1	WKM	(20,000)	(6,668)	0	6,668	0	
Transport Total			(20,000)	(6,668)	0	6,668	0	
Land and Buildings Total			(141,355)	(80,517)	(13,417)	67,100	1,164	
Footpaths								
Transport								
Footpath Construction-Denham Footpath Plan	1.1.2	WKM	(50,000)	(40,000)	(46,980)	(6,980)	0	
Transport Total			(50,000)	(40,000)	(46,980)	(6,980)	0	
Footpaths Total			(50,000)	(40,000)	(46,980)	(6,980)	0	

MINUTES OF THE ORDINARY COUNCIL MEETING

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Furniture & Office Equip.								
Governance								
New IP Phone System	1.1.2	EMFA	(15,000)	(15,000)	0	15,000		
Governance Total			(15,000)	(15,000)	0	15,000	0	
Furniture & Office Equip. Total			(15,000)	(15,000)	0	15,000	0	
Plant , Equipment and Vehicles								
Governance								
CEO Vehicle	1.1.2	CEO	(70,000)	(7,000)	0	7,000		
EMFA Vehicle	1.1.2	EMFA	(35,000)	(35,000)	0	35,000		
EMCD Vehicle	1.1.2	EMCD	(35,000)	(35,000)	(23,282)	11,718	23,282	
Total Governance			(140,000)	(77,000)	(23,282)	53,718	23,282	
Transport								
Major Plant Items	1.1.2	WKM	(20,000)	(6,668)	0	6,668	0	
Dual Cab Ute - Works Manager	1.1.2	WKM	(55,000)	(55,000)	0	55,000	0	
Dual Cab Ute - Town	1.1.2	WKM	(45,000)	(45,000)	0	45,000	0	
Excavator	1.1.2	WKM	(31,138)	(24,912)	(2,233)	22,679	2,233	
Multi Tyred Rubber Roller	1.1.2	WKM	(170,000)	(170,000)	0	170,000	0	
Town Loader	1.1.2	WKM	(195,000)	(195,000)	0	195,000	0	
Ride on Lawn Mower	1.1.2	WKM	(45,000)	(45,000)	0	45,000	0	
Dual Cab Ute - Country	1.1.2	WKM	(45,000)	(45,000)	0	45,000	0	
Transport Total			(606,138)	(586,580)	(2,233)	584,347	2,233	
Denham Marine Facilities								
Boat Jinker Brake System Upgrade	1.1.2	WKM	(20,000)	(20,000)	0	20,000	0	
Denham Marine Facilities Total			(20,000)	(20,000)	0	20,000	0	
Plant , Equipment and Vehicles Total			(766,138)	(683,580)	(25,515)	658,065	25,515	

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28 November 2018

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Public Facilities								
Community Amenities								
Refuse Tip and Recycling	2.1.1	WKM	(4,066)	(4,066)	(7,412)	(3,346)		
Community Amenities Total			(4,066)	(4,066)	(7,412)	(3,346)	0	
Recreation And Culture								
Town Oval Bore	2.2.1	WKM	(800,000)	0	0	0	0	
Recreation And Culture Total			(800,000)	0	0	0	0	
Public Facilities Total			(804,066)	(4,066)	(7,412)	(3,346)	0	
Infrastructure Assets								
Roads (Non Town)								
Transport								
R2R Projects 18/19	1.1.1	WKM	(199,878)	0	0	0	0	
Useless Loop Road - RRG 18-19	1.1.1	WKM	(229,958)	(76,656)	0	76,656	0	
Eagle Bluff Road - RRG 17-18 C/F	1.1.1	WKM	(35,391)	(11,796)	(36,389)	(24,593)	36,389	
Eagle Bluff Road - RRG 18-19	1.1.1	WKM	(90,000)	(30,004)	(44,387)	(14,383)	44,387	
Transport Total			(555,227)	(118,456)	(80,776)	37,680	80,776	
Roads (Non Town) Total			(555,227)	(118,456)	(80,776)	37,680	80,776	
Capital Expenditure Total			(2,331,786)	(941,619)	(174,100)	767,520	107,455	

28 November 2018

12.3 REQUEST FOR RATES CONCESSION – YADGALAH ABORIGINAL CORPORATION
P4028 / RES33517

Author

Executive Assistant

Disclosure of Any Interest

Declaration of Interest: Cr Capewell

Nature of Interest: Financial Interest as Chairperson of the Yadgalah Aboriginal Corporation

Declaration of Interest: Cr Bellottie

Nature of Interest: Financial Interest as a member of the Yadgalah Aboriginal Corporation

Cr Bellottie and Cr Capewell left the Council Chamber at 4.01 pm.

Moved Cr Laundry
Seconded Cr Fenny

Council Resolution

That Council, in accordance with Section 6.47 of the *Local Government Act 1995*, grant a concession of 25% on the general rates for Assessment A4028 being property located at 9 Francis Road, Denham and owned by the Yadgalah Aboriginal Corporation on the basis that the land is not exclusively used for charitable purposes.

4/0 CARRIED BY ABSOLUTE MAJORITY

Cr Bellottie and Cr Capewell returned to the Council Chamber at 4.04 pm.

Background

At the Ordinary Council meeting held on the 31 October 2018 this item was resolved to lay on the table due to the lack of a quorum.

Council has received a request from the Yadgalah Aboriginal Corporation for a waiver of 25% of the general rates for the property located at 9 Francis Road, Denham. The rates on this property excluding Emergency Service Levy and Domestic Rubbish Charge are \$4,132.87.

Comment

The Yadgalah Aboriginal Corporation has been established since 1984 and has been a registered charity since 2012.

The objectives of the Corporation are to:

- (a) further the advancement and wellbeing of Aboriginals in Australia generally and in the Shark Bay area in particular;
- (b) preserve and promote the culture and heritage of Aboriginal people;
- (c) establish and maintain amenities for the benefit of Aboriginal people;

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- (d) advance the cause of cooperation and friendship between all Australian people, irrespective of their colour, race or belief;
- (e) encourage and promote sporting, social and recreational activity amongst Aboriginal people;
- (f) engage in business, hold shares, own real estate and other property, enter into partnerships to improve the economic situation of the Corporation and enhance employment prospects for its members.

Yadgalah Aboriginal Corporation promotes the cultural aspects of the Aboriginal people in the Shark Bay region. It provides both indigenous and non-indigenous people insight into the culture and history of the Aboriginal people who live within Shark Bay.

The Corporation is requesting a 25% rates waiver as a non-profit organisation and feel that the waiver of the annual rates would inject funds back into maintaining the Corporation.

The current rates total \$4,954.33. This includes an amount of \$215.48 for Emergency Service Levy which is a State Government Charge and therefore not able to be waived by Council and an amount of \$420.00 for Commercial / Industrial rubbish charge.

Section 6.26 of the *Local Government Act 1995* sets out the requirements for land which is not rateable.

Section 6.26 (1) and (2) (g) state:

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land –*

....

(g) land exclusively used for charitable purposes.

On this basis, it seems fair that there should be some concession on the rates based on the proportion on the land used for charitable purposes.

Legal Implications

Section 6.26 defines what land is to be treated as non-rateable. Section 6.47 allows Council to grant a concession.

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferrals) 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.*

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Policy Implications

There are no policy implications with this item.

Financial Implications

The amount of the concession at 25% would be \$1,033.22. Emergency Service Levy charges and rubbish collection charges would still need to be paid by the Corporation.

Strategic Implications

There are no strategic implications with this item.

Risk Implications

This is a low risk item to Council.

Voting Requirements

Absolute Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

23 October 2018

28 November 2018

9



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23 OCT 2018

SHIRE OF SHARK BAY

19th October 2018

Dear Paul

Yadgalah Aboriginal Corporation is a local Community Organization and would like to request that the Shire of Shark Bay support a 25% concession on our rates for the 2018/2019 financial year.

Our current rates amount to \$3,921.11

We are not used for charitable purposes and are a non for profit Organization.

At the moment we provide a venue for:-

- a recreation facility
- monthly markets
- a venue for Work for the dole program

Thank you for your consideration.

Keith Copewell

Chairperson

Yadgalah Aboriginal Corporation

Email: yadgalah1@bigpond.com ABN: 58 501 822 442
9 Francis Street Denham W.A. 6537 Po Box 61
ICN 278

28 November 2018

12.4 REQUEST FOR RATES EXEMPTION
P1203/P1396

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Officer Recommendation

That Council provide a 100% rate exemption on:

- Assessment A1203 for \$915.28 being property located at Lot 112 (82) Durlacher Street, Denham, and
- Assessment A1396 for \$946.13 being property located at Lot 126 (23) Capewell Drive, Denham,

Both of which are owned by the Murchison Regional Aboriginal Corporation on the basis that the land is non-rateable in accordance with Section 6.26(2)(g) of the *Local Government Act 1995*.

AND

That Council adopt the Deed of Settlement between Murchison Regional Aboriginal Corporation and Shire of Shark Bay whereby, effective from the 1 October 2018 and terminating on the 1 July 2025, the Shire will amend the rate records for:

- Assessment A1203 being property located at Lot 112 (82) Durlacher Street, Denham, and
- Assessment A1396 being property located at Lot 126 (23) Capewell Drive, Denham,

to reflect that the land is not rateable in accordance with Section 6.26(2)(g) of the *Local Government Act 1995*.

ABSOLUTE MAJORITY REQUIRED

AMENDMENT TO OFFICERS RECOMMENDATION

Reason: Council considered that due to the possible changes to the *Local Government Act 1995* the proposed Deed should only be for a two year period.

Moved Cr Fenny
Seconded Cr Burton

Council Resolution

That Council provide a 100% rate exemption on:

28 November 2018

- **Assessment A1203 for \$915.28 being property located at Lot 112 (82) Durlacher Street, Denham, and**
- **Assessment A1396 for \$946.13 being property located at Lot 126 (23) Capewell Drive, Denham,**

Both of which are owned by the Murchison Regional Aboriginal Corporation on the basis that the land is non-rateable in accordance with Section 6.26(2)(g) of the *Local Government Act 1995*.

AND

That Council adopt the Deed of Settlement between Murchison Regional Aboriginal Corporation and Shire of Shark Bay whereby, effective from the 1 October 2018 and terminating on the 1 July 2020, the Shire will amend the rate records for:

- **Assessment A1203 being property located at Lot 112 (82) Durlacher Street, Denham, and**
- **Assessment A1396 being property located at Lot 126 (23) Capewell Drive, Denham,**

to reflect that the land is not rateable in accordance with Section 6.26(2)(g) of the *Local Government Act 1995*.

6/0 CARRIED BY ABSOLUTE MAJORITY

Background

The Murchison Regional Aboriginal Corporation have objected to rates being levied on two of their properties being Lot 126 (23) Capewell Drive, Denham, and Lot 112 (82) Durlacher Street, Denham in accordance with Section 6.76 (1)(a)(ii) of the *Local Government Act 1995*. Murchison Regional Aboriginal Corporation is of the view that its properties located within the shire do not constitute rateable land as they satisfy the criteria in section 6.26 (2)(g) of the Local Government Act 1995 and is accordingly applying for a rate exemption under section 6.26 (2)(g) of the Local Government Act 1995 on the two properties.

The total amount of levied on both properties are \$2,753.41 which is inclusive of Emergency Services Levy and Rubbish Collection Fees.

Murchison Regional Aboriginal Corporation is a member based, not-for-profit dedicated Aboriginal community housing organisation and provides safe, secure and affordable housing to:

1. Aboriginal persons, Torres Strait Islander persons, persons who have a partner who is either Aboriginal or Torres Strait Islander or non-Aboriginal with custody of aboriginal children:
2. who are resident within the Midwest or Gascoyne region for a period of 6 months,

Murchison Regional Aboriginal Corporation charges its tenants rent on either a percentage of market rent basis or on a cost recovery basis and any moneys generated through rental revenue is reinvested in upgrading its properties or purchasing additional housing stock to meet the high level of demand for housing.

28 November 2018

In addition most of Murchison Regional Aboriginal Corporation's tenants rely on full or partial benefits from Centrelink and are unable to obtain housing in the private rental market due to a lack of access to suitable employment, their Aboriginality, previous tenancy history, long waiting lists for social housing and the lack of housing in remote areas which are close to their cultural homeland and/or close to other family members.

Utilising the resources and information within the Community Housing Coalition WA Community Housing Providers and Local Government Rates report dated December 2013 I provide the following extracts for your review. A copy of the full report is attached at the end of this agenda item.

"As there is no overriding Western Australian or federal legislative definition of "charitable purpose" at present the legal concept of 'charity' or 'charitable purpose' relies upon case law."

"Australian Case law further establishes that the current interpretation of a 'charity' was a trust for one of the following:

- (a) the relief of poverty;
- (b) the advancement of education;
- (c) the advancement of religion; and
- (d) other purposes beneficial to the community."

"Australian case law has also extended that poverty need not be destitution and may extend to the promotion of culture and class indigenous people as being severely disadvantaged in Australian society and are in need of protection and assistance."

"In relation to indigenous housing, the Supreme Court has granted a rates exemption in the Shire of Asburton v Bindibindi Aboriginal Corporation [1999] WASC 108 because:

- (a) the advancement of Aboriginal people was a charitable purpose;
- (b) the activities conducted upon the land were exclusively charitable."

"In this particular case, the land was used by an Aboriginal Corporation to provide low-cost rental housing for economically disadvantaged Indigenous people. The proceeds were used by the Corporation to pay bills, cover office costs and generally further the objects of the organisation, but not in order to generate profit. A number of not-for-profit projects were also undertaken on the land, which aimed to improve living conditions, keep people occupied, discourage excessive alcohol drinking, create self-respect and (theoretically) create income to further the Corporation's objects."

"Arguably, "Aboriginal people" could be substituted for another disadvantaged socio-economic group and the same qualification for rates exemption should apply for CHPs."

"Australian case law has also confirmed and elaborated on the application of sub-section 6.26(6), being that some incidental uses of the land does not destroy the exclusiveness of the use of the land for charitable purposes and so fall within sub-section 6.26(2)(g)."

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Verbal advice was also obtained from our legal advisors, McLeods, who confirmed that it would be advisable that the Council grant this exemption for rates on the basis of case law precedence.

The exemption is only on land rates, not refuse removal or other services charges and Emergency Services Levy.

Legal Implications

Section 6.26 defines what land is to be treated as non-rateable and Section 6.76 allows an objection to a rate record of Council.

Policy Implications

There are no policy implications with this item.

Financial Implications

The amount of the write off would be \$1,861.41 in the 2018/19. Emergency Service Levy charges, refuse collection and any outstanding interest charges would still need to be paid by the Corporation. However in accordance with the Deed of Settlement we will be receiving an ex gratia payment each year to the value of 20% of the rates that would have been levied, had the property been rateable.

Strategic Implications

There are no strategic implications with this item.

Risk Implications

This is a medium risk item. Any change to the status of rateable land will reduce the capacity of Council to raise the same level of rates in the future and therefore the deficit will need to be applied to other ratepayers which will increase the rate in the dollar for those remaining assessments.

Voting Requirements

Absolute Majority Required

Signatures

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

18 November 2018

28 November 2018



MURCHISON REGION ABORIGINAL CORPORATION

25 Crawford Street,
P.O. Box 2072, Geraldton W.A. 6531
Tel: (08) 9923 0055
Fax: (08) 9923 0066
E-mail: office@mrac.net.au
ABN 48 700 809 001 ICH 500

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17 SEP 2018

SHIRE OF SHARK BAY

14 September 2018

Chief Executive Office
Shire of Shark Bay
P O Box 126
DENHAM WA 6522

Dear Sir/Madam

Application for rates exemption

1 Background

Murchison Region Aboriginal Corporation (**MRAC**) is a member based, not-for-profit dedicated Aboriginal community housing organisation operating in the Mid West and Gascoyne regions of Western Australia.

Two of MRAC's properties are located within the Shire of Shark Bay.

MRAC has received two rate notices from the Shire of Shark Bay for these properties.

MRAC objects to the rate records for these properties located within the Shire of Shark Bay under section 6.76(1)(a)(ii) of the *Local Government Act 1995 (WA)* (**LG Act**) on the ground that there is an error in the rate records as these properties do not constitute rateable land.

MRAC is of the view that its properties located within the Shire of Shark Bay do not constitute rateable land as it satisfies the criteria in section 6.26(2)(g) of the LG Act and MRAC is accordingly applying for a rate exemption under section 6.26(2)(g) of the LG Act with respect to its properties located within the Shire of Shark Bay.

2 Grounds for exemption

MRAC is applying for a rates exemption on the basis that its properties located within the Shire of Shark Bay are used exclusively for charitable purposes.

Please find enclosed the following documents in support of MRAC's application:

- (a) an extract from the Office of the Registrar of Indigenous Corporations for MRAC as at 13 September 2018;

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28 November 2018

- (b) an extract from the Australian Charities and Not-for-profits Commission's Charity Register for MRAC as at 13 September 2018 evidencing that MRAC is a registered charity;
- (c) a letter from the ATO dated 19 January 2017 confirming MRAC is endorsed for charity tax concessions;
- (d) a letter from the ATO dated 19 January 2017 confirming MRAC is endorsed as a deductible gift recipient;
- (e) a copy of MRAC's rule book dated 23 February 2018;
- (f) a copy of MRAC's financial report for the year ended 30 June 2017;
- (g) a copy of MRAC's housing eligibility criteria dated 28 April 2018; and
- (h) an operational overview of MRAC's activities.

Please also find enclosed Property Details Forms setting out the relevant details with respect to the MRAC properties located within the Shire of Shark Bay. We note that plans for the properties have not been provided as MRAC does not possess these and they are too costly to have prepared. Instead, we have provided a brief description and photo of each property.

As demonstrated by the enclosed materials:

- (a) MRAC provides safe, secure and affordable housing to:
 - (i) Aboriginal persons, Torres Strait Islander persons, persons who have a partner who is either Aboriginal or Torres Strait Islander or non-Aboriginal persons with custody of Aboriginal children;
 - (ii) who are resident within the Midwest or Gascoyne region for a period of 6 months;
- (b) The MRAC properties located within the Shire of Shark Bay are leased to tenants who meet MRAC's housing eligibility criteria;
- (c) MRAC charges its tenants rent on either a percentage of market rent basis or on a cost recovery basis and any moneys generated through rental revenue is reinvested in upgrading its properties or purchasing additional housing stock to meet the high level of demand for housing; and
- (d) most of MRAC's tenants rely on full or partial benefits from Centrelink and are unable to obtain housing in the private rental market due to a lack of access to suitable employment, their Aboriginality, previous tenancy history, long waiting lists for social housing and the lack of housing in remote areas which are close to their cultural homeland and/or close to other family members.

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Accordingly, as:

- (a) MRAC uses its properties located within the Shire of Shark Bay for the purpose of improving the economic position, social condition and traditional ties of an Aboriginal community; and
- (b) it is generally accepted that Aboriginal people as a class are in need of protection and assistance, and purposes directed towards the advancement of Aboriginal people are charitable,

MRAC clearly satisfies the requirements of section 6.26(2)(g) of the LG Act and should be granted a rate exemption for its properties located within the Shire of Shark Bay.

In further support of this, in the case of Murchison Region Aboriginal Corporation and Shire of Yalgoo (2018), Judge D R Parry set aside the respondent's decision to disallow the applicant's objection to the rate record for the year ended 30 June 2017, and substituted a decision that the objection is allowed on the basis that there is an error in the rate record as the land in question is not rateable land, because it is used exclusively for a charitable purpose.

As outlined in our letter to you dated 13 November 2017, MRAC has provided ex gratia payments equalling 20% of the GRV value amount to Shires that provide rates exemption without MRAC applying through the State Administration Tribunal. Should your Shire grant a rates exemption for the rates period 2018-2019 as you did last year, this provision will apply.

If you require any further information in order to process MRAC's applications, please contact me.

Yours sincerely



Mary Marshall

Chief Executive Officer

Murchison Region Aboriginal Corporation

T +61 8 9923 0055

M +61 408 973 946

mmarshall@mrac.net.au

28 November 2018

Enclosures

- 1 An extract from the Office of the Registrar of Indigenous Corporations for MRAC as at 13 September 2018
- 2 An extract from the Australian Charities and Not-for-profits Commission's Charity Register for MRAC as at 13 September 2018
- 3 A letter from the ATO dated 19 January 2017 confirming MRAC is endorsed for charity tax concessions
- 4 A letter from the ATO dated 19 January 2017 confirming MRAC is endorsed as a deductible gift recipient
- 5 A copy of MRAC's rule book dated 23 February 2018
- 6 A copy of MRAC's financial report for the year ended 30 June 2017
- 7 A copy of MRAC's housing eligibility criteria dated 28 April 2018
- 8 An operational overview of MRAC's activities
- 9 Two Property Details Forms, together with the following attachments:
 - (a) a title search for the property;
 - (b) the rates notice for the property;
 - (c) any applicable tenancy agreement; and
 - (d) a description and photo for the property.

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Australian Government
Office of the Registrar of Indigenous Corporations

Corporation extract

This extract was produced on 11/01/2018

This extract contains information derived from the ERICCA information system from information and documents lodged with the Registrar of Indigenous Corporations and processed as at the date the extract was produced.

Please notify ORIC of any inaccuracies in this extract.

- Freecall: 1800 622 431 (not free for mobiles) - Email: info@oric.gov.au - Website: www.oric.gov.au

Murchison Region Aboriginal Corporation

Indigenous Corporation Number: 500
 Australian Business Number: 48700880001
 Registration date: 20/11/1996
 Principal activity: Housing;
 Corporation Size: MEDIUM
 Does the corporation own land?: Unknown

Current corporation details

Corporation name: Murchison Region Aboriginal Corporation
 Name start date: 20/11/1996
 Registration status: REGISTERED
 Registration Action:
 Main place of business: 25 Crawford Street, GERALDTON WA 6530
 Contact numbers: Telephone 08 9425 0055 FAX
 Corporation's email address: mmarshall@marac.net.au
 Preferred method of communication: Email
 Registered office address (ROA) /
 #current access address: 25 Crawford Street, GERALDTON WA 6530
 Postal address: PO Box 2072, GERALDTON WA 6531

Directors

Mr Adrian Bartlett
 Previous name(s) (if any):
 Residential address: 11 Nixon Street GERALDTON WA 6530
 Born: 20/8/1968 Three Springs
 Date of Appointment: 3/9/2015
 Appointment Term: This director will hold office for up to 2 year(s)
 This person is a: Director

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Ms Sandra Lee Bellonk

Previous name(s) (if any):
Residential address: 125 Mitchell Street - SPALDING WA 6830
Born: 10/8/1961 Carnarvon
Date of Appointment: 21/1/2017
Appointment Term: This director will hold office for up to 2 year(s)
This person is a: Director

Mr James Bowdman

Previous name(s) (if any):
Residential address: 17 Troutman Street WOOTHELLA WA 6310
Born: 26/3/1972 Dalwalline
Date of Appointment: 21/1/2017
Appointment Term: This director will hold office for up to 2 year(s)
This person is a: Director

Ms Nadine Maria Brown

Previous name(s) (if any):
Residential address: 6 Rose Street CARNARVON WA 6701
Born: 25/1/1979 Carnarvon
Date of Appointment: 18/1/2017
Appointment Term: This director will hold office for up to 2 year(s)
This person is a: Director

Ms Fawcley Drage

Previous name(s) (if any):
Residential address: 163 Anderson Street SPALDING WA 6830
Born: 23/10/1961 Geraldton
Date of Appointment: 19/1/2016
Appointment Term: This director will hold office for up to 2 year(s)
This person is a: Director

Mr Colin Hamlet

Previous name(s) (if any):
Residential address: 17 Stokes Road MORAWA WA 6623
Born: 30/1/44 Mullewa
Date of Appointment: 2/9/2013
Appointment Term: This director will hold office for up to 2 year(s)
This person is a: Director

Ms Kerry (Kay) Mungro

Previous name(s) (if any):
Residential address: 7 Canon Place CARNARVON WA 6701
Born: 16/1/1962 Geraldton
Date of Appointment: 2/9/2015
Appointment Term: This director will hold office for up to 2 year(s)
This person is a: Director

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Mr Camille Luigi Tassinari

Previous name(s) (if any):

Residential address: 2 Oneida Court Wanders WA 6500

Born: 11/11/1969 Italy

Date of Appointment: 14/10/2017

Appointment Term: This director will hold office for up to 3 year(s)

This person is a: Director

Mr Warren Taylor

Previous name(s) (if any):

Residential address: 3-B Stroud Street Henchlands WA 6530

Born: 24/4/1959 Bankstown NSW

Date of Appointment: 14/10/2017

Appointment Term: This director will hold office for up to 3 year(s)

This person is a: Director

Ms Gloria Whitford

Previous name(s) (if any):

Residential address: 31B McClary Street MEEKATHARRA WA 6642

Born: 18/4/1951 Cur

Date of Appointment: 19/11/2016

Appointment Term: This director will hold office for up to 3 year(s)

This person is a: Director

Contact person / secretary

Contact person for a small or medium corporation: Y Secretary for a large corporation: N

Ms Mary Elizabeth Marshall

Previous name(s) (if any):

Residential address: 27 Crawford Street GERALDTON WA 6530

Date of Appointment: 24/11/2013

Members

Mr Adrian Bartlett

Residential address: 11 Nixon Street GERALDTON WA 6530

Ms Cathie Bartlett

Residential address: 3 McLara Way GERALDTON WA 6530

Mr Clifton Beauchamp

Residential address: 36 Duffer Avenue MORAWA WA 6623

Mr Steven Beeton

Residential address: 129 Hill Street Meekatharra WA 6642

Mr Justine Bell

Residential address: 8/143 Fitzgerald Street GERALDTON WA 6530

Ms Kayla Bellotti

Residential address: 42B Richard Street CARNARVON WA 6701

Mr Michael Bellotti

Residential address: 20 Carter Street RANGEWAY WA 6528

Ms Sandra Bellotti

Residential address: 123 Mitchell Street SPALDING WA 6530

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Mr Gregory Ballotin
Residential address: 82 Durbacher Street SHARK BAY WA 6337

Ms Lynette Ballotin
Residential address: 82 Durbacher Street SHARK BAY WA 6337

Mr Kenneth Raymond Bondy
Residential address: 65 Foxhill Drive NORTHAMPTON WA 6335

Ms Yvonne Bradley
Residential address: 31 Newlands Street GERALDTON WA 6530

Mr James Brodman
Residential address: 53 Ocean Queen Drive WANDINA WA 6530

Mr Kevin Brodman
Residential address: 65 Foxhill Drive MOUNT MAGNET WA 6538

Ms Nadine Brown
Residential address: 6 Saw Street CARNARVON WA 6701

Ms Adrienne Cameron
Residential address: 55 Tallbrook Way WAGGABINE WA 6510

Ms Jackie Cameron
Residential address: 11 Orr Street CARNARVON WA 6701

Ms Lorraine Cameron
Residential address: 29 Taitby Street SPALDING WA 6520

Ms Rosemary Cameron
Residential address: 209 Pines Street YALGOO WA 6625

Mr Thomas Cameron
Residential address: 26 Cameron Post Drive CARNARVON WA 6701

Mr Darren Capewell
Residential address: C/- Shark Bay Post Office SHARK BAY WA 6337

Mr Kevin Capewell
Residential address: 16 Stalleans Street CARNARVON WA 6701

Ms Valerie Clark
Residential address: Lot 15 Milligan Street YALGOO WA 6625

Mr Gordon Clark Sr
Residential address: 72 Hartman Street RANGEWAY WA 6530

Mr Charles Collier
Residential address: 29A Nantlan Crescent GERALDTON WA 6530

Mr Charles Comagrain
Residential address: 18 Main road MULLERWA WA 6630

Mr Alana Councilor
Residential address: 80 Limestone Lane CARNARVON WA 6701

Mr Des Councilor
Residential address: 12b Grenville Street MURAWA WA 6621

Ms Mirvyn Councilor
Residential address: 19a Tonks Crescent CARNARVON WA 6701

Mr Phillip Councilor
Residential address: 31 Windsor Way CARNARVON WA 6701

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Mr Arthur Davies Residential address:	C/- GRAMS 60 RHD Range Road RANGIEWAY WA 6510
Ms Rosalind Dick Residential address:	77 Broome Street GERALDTON WA 6530
Mr Barry Dodd Residential address:	61 Kinsey Street GERALDTON WA 6530
Ms Ailtona Drage Residential address:	44 West Street NORTHAMPTON WA 6535
Mrs Beverley Drage Residential address:	185 Anderson Street SPALDING WA 6538
Ms Colleen Drage Residential address:	C/- 44 West Street NORTHAMPTON WA 6535
Mr Kenneth Drummond Residential address:	14 Skipworth Street CARNARVON WA 6701
Mr Rodney Drummond Residential address:	42A Richards Street CARNARVON WA 6701
Ms Jamie Roberts Farrell Residential address:	11 Scott Street RANGIEWAY WA 6510
Ms Ada Fossa Residential address:	31 Brooker Street SHARK BAY WA 6537
Ms Beverley Gilla Residential address:	96 Darter Street MEEKATHARRA WA 6642
Ms Yolene Gilla Residential address:	90 Darter Street MEEKATHARRA WA 6642
Ms Valma Gilla Residential address:	1 Queen Street MEEKATHARRA WA 6642
Mr Colin Harlett Residential address:	18 Field Street MINGENEW WA 6522
Ms Colleen Harlett Residential address:	P O Box 236 MULLEWA WA 6620
Mrs Dawn Hansen Residential address:	14 Field Street MINGENEW WA 6522
Ms Jocelyn Harlett Residential address:	25 Darwin Street Spalding WA 6538
Ms Lisa Harlett Residential address:	57 Hesford Street PERINGO WA 6620
Ms Natasha Hansen Residential address:	48 Croajans Street STRATHALBYN WA 6539
Mr Leigh Harris Residential address:	2074 Bunde Street GERALDTON WA 6530
Ms Robina Hill Residential address:	47 Morgan Way Carnarvon WA 6701
Ms Shauna Hill Residential address:	47 Morgan Way Carnarvon WA 6701

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Ms Gina Hodder
Residential address: 67 Attwood Street MOUNT MAGNET WA 6638

Ms Gladys Hodder
Residential address: 52 Campbell Street YALGOO WA 6635

Ms Narelle Hodder
Residential address: 3 Fenden Street MOUNT TABERCORRA WA 6434

Ms Sandra Hodder
Residential address: 25 Henry Street YALGOO WA 6635

Ms Tarrisa Hodder
Residential address: 92 Henry Street YALGOO WA 6635

Mr Stafford Harobis
Residential address: 148 Hunter Wy BYWATHARRA WA 6332

Ms Crystal Ischik
Residential address: 27B Benson Street SPALDING WA 6520

Ms Veronica Ingram
Residential address: 19 Hubble Street CARNARVON WA 6701

Ms Glenda Jankiewicz
Residential address: 41 Drew Street GERALDTON WA 6730

Ms Fleur Jackson
Residential address: 51 Binonta Avenue GERALDTON WA 6730

Ms Colin Jones
Residential address: 15 Curlewia Street GERALDTON WA 6730

Mr Michael Jones
Residential address: 26 Selwyn Street YALGOO WA 6635

Ms Phillipa Jones
Residential address: 44 Solomon Circle KARLOO WA 6530

Ms Rosalie Jones
Residential address: 5 Yarraman Road WAGGHARINE WA 6538

Ms Victoria Jones
Residential address: 44 Solomon Circle KARLOO WA 6530

Ms Irene Kelly
Residential address: PO Box 965 GERALDTON WA 6730

Ms Kerry Kelly
Residential address: 12 Hale Street RANGEWAY WA 6520

Ms Patricia Kelly
Residential address: PO Box 4655 RANGEWAY WA 6520

Mr Tristan Kempton
Residential address: 10 Turkey Court CARNARVON WA 6701

Ms Vicki Kempton
Residential address: 10 Turkey Court CARNARVON WA 6701

Ms Mary Linn
Residential address: 192 Laura Street MOUNT MAGNET WA 6638

Ms Edith Maher
Residential address: 442 Fitzgerald Street NORTHAMPTON WA 6315

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Ms Nora Mallard
Residential address: Po Box 916 CARNARVON WA 6701

Ms Marianne Miller
Residential address: 31 Eureka Street GERALDTON WA 6530

Ms Stephanie Mijgy
Residential address: 25 Church Road MOORA WA 6510

Ms Aileen Mitchell
Residential address: 33 Curry Street CARNARVON WA 6701

Ms Kira Mitchell
Residential address: 6 Stuart Street CARNARVON WA 6701

Ms Helen Moncrieff
Residential address: 42B Richards Street CARNARVON WA 6701

Ms Natasha Moncrieff
Residential address: C/- J Dempster Road CARNARVON WA 6701

Ms Courtney Mongon
Residential address: 18 Smith Street CARNARVON WA 6701

Ms Karlene Mongon
Residential address: PO Box 432 CARNARVON WA 6701

Ms Kerry-Anne Mongon
Residential address: 7 Carson Place CARNARVON WA 6701

Ms Pamela Mergoo
Residential address: PO Box 97 MEEKATHARRA WA 6642

Mr Wesley Mergoo
Residential address: 23 Norman Way CARNARVON WA 6701

Ms Alison Morris
Residential address: C/- Post Office NORTHAMPTON WA 6535

Ms Eeryl Moumabine
Residential address: 30 Gumbin Street NORTHAMPTON WA 6535

Mr Victor Moumabine
Residential address: 30 West Street NORTHAMPTON WA 6535

Mr Richard Nelly
Residential address: 31B Bennett Street SPALDING WA 6530

Ms Jessica Nevill
Residential address: 10 Arden Street MORLEY WA 6062

Ms Marika Oakley
Residential address: C/- Shark Bay Post Office SHARK BAY WA 6537

Ms Vicki Oakley
Residential address: 30 Capewell Street SHARK BAY WA 6537

Ms Lannelle Papertalk
Residential address: 41 Nixon Street GERALDTON WA 6530

Ms Lylie Papertalk
Residential address: 2 Osborne Street SPALDING WA 6530

Ms Bobby-Lee Pearson
Residential address: 22 Iduna Road WANDINA WA 6338

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Mr Terry Phillips	
Residential address:	10 Turkey Cove, CARNARVON WA 6701
Ms Teresa Point	
Residential address:	6 Haull Street, DORHAM WA 6537
Mr Aaron Randall	
Residential address:	13 Curlew Street, GERALDTON WA 6530
Ms Jessica Randall	
Residential address:	270 Pinyon Way, WAGGRAKINE WA 6530
Ms Libian Randall	
Residential address:	13 Isal Court, GERALDTON WA 6530
Ms Rowena Randall	
Residential address:	17 Hamilton Street, GERALDTON WA 6530
Mr Scott Randall	
Residential address:	16 Merga Way, CARNARVON WA 6701
Ms Darlene Robinson	
Residential address:	19 Markeleyhn Crescent, CARNARVON WA 6701
Ms Vivian Robinson	
Residential address:	C/- Mandurah Post Office, MEEKATHARRA WA 6642
Mr Raymond Roe	
Residential address:	43 Daktaga Island Road, CARNARVON WA 6701
Mr Tonya Roe	
Residential address:	42 Starbuck Street, CARNARVON WA 6701
Mr Trevor Roe	
Residential address:	70 Gault Street, NORTHAMPTON WA 6505
Mr Thomas Rouse	
Residential address:	14 Dean Street, GERALDTON WA 6530
Mr Arthur Ryan	
Residential address:	5 Watson Street, GERALDTON WA 6530
Mr Colin Ryan	
Residential address:	C/- Shark Bay Post Office, SHARK BAY WA 6537
Ms Laura Ryan	
Residential address:	C/- Shark Bay Post Office, SHARK BAY WA 6537
Mr Ronald Ryan Sr	
Residential address:	C/- Shark Bay Post Office, SHARK BAY WA 6537
Ms Fraser Ryder	
Residential address:	18B Broome Street, SPALDING WA 6530
Ms Rosette Ryder	
Residential address:	13 Wilkes Street, CARNARVON WA 6701
Mr Paul Ryder	
Residential address:	P O Box 244, DEBBY WA 6738
Mr Ivan Sedgwick	
Residential address:	20 Wheelock Way, CARNARVON WA 6701
Ms Christine Simpson	
Residential address:	C/- Post Office, YALGOO WA 6635

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

Ms Kathleen Simpson	
Residential address:	112 Campbell Street YALGOO WA 6535
Mr Bradley Smith	
Residential address:	29 Tamblyn Street SPALDING WA 6536
Mr Burt Smith	
Residential address:	29 Tamblyn Street SPALDING WA 6536
Ms Christina Starr	
Residential address:	3 Maxwell Court Carnarvon WA 6701
Ms Janice Strickland	
Residential address:	1 Ruth Street KARLOO WA 6531
Mr Gerald Taylor	
Residential address:	41b Newhaven Street GERALDTON WA 6530
Ms Karen Taylor	
Residential address:	Lot 461 Jensen Close MOUNT MAGNET WA 6638
Ms Kaylene Taylor	
Residential address:	6 Solomon Circle KARLOO WA 6531
Mr Desmond Thompson	
Residential address:	CA- Post Office MOUNT MAGNET WA 6638
Ms Virginia Walsh	
Residential address:	302 Laurie Street MOUNT MAGNET WA 6638
Mr Warren Walsh	
Residential address:	192 Laurie Street MOUNT MAGNET WA 6638
Mr Derek Ware	
Residential address:	20 Iona Road WANDINA WA 6530
Ms Phyllis Webb	
Residential address:	241B Sixth Street WORTHILLA WA 6536
Ms Bianca Whitey	
Residential address:	6 Smart Street CARNARVON WA 6701
Ms Karen Whitey	
Residential address:	32 Holden Street CARNARVON WA 6701
Ms Gloria Whitburn	
Residential address:	511B McCleary Street MEEKATHARRA WA 6642
Ms Anabella Winder	
Residential address:	2 William Street CARNARVON WA 6701
Ms Charmaine Young	
Residential address:	19 Niven Street SPALDING WA 6536

Documents lodged (publicly available only)

<u>Date received</u>	<u>Title</u>
10/9/2018	Member List - (Published)
20/9/2018	Member List - (Published)
12/6/2018	Member List - (Published)
23/9/2018	Consolidated Rate Book
02/9/2018	Request to Change Corporation Rate Book (Published)
17/1/2017	Member List - (Published)
14/12/2017	General Report 2017 (Published)

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

11/12/2017	Notification of a Change to Corporation Officer Details (Published)
11/12/2017	Member List - (Published)
06/12/2017	Financial Report 2016-17 (Lodged) - (171217)
02/12/2017	Member List - (Published)
28/09/2017	Notification of a Change to Corporation Officer Details (Published)
24/08/2017	Member List - (Published)
24/08/2017	Member List - (Published)
03/05/2017	Member List - (Published)
02/03/2017	Member List - (Published)
01/02/2017	Notification of a Change to Corporation Officer Details (Published)
06/12/2016	Member List - (Published)
24/11/2016	Member List - (Published)
06/11/2016	General Report 2016 (Published)
15/10/2016	Letter notifying corporation that post-special administration monitoring has ended
21/09/2016	Notification of a Change to Corporation Officer Details (Published)
13/09/2016	Financial Report (Lodged)
30/04/2016	General Report 2015 (Published)
18/03/2016	Member List - (Published)
17/12/2015	Notification of a Change to Corporation Officer Details (Published)
03/09/2015	5336-1(1) + 5453-5(1) Notice - Post special administration monitoring of corporation (7 September 2015)
03/09/2015	Special administration - Media release (3 September 2015)
03/09/2015	Notification of Termination of Special Administration - Cover Letter - Corporation
01/09/2015	Notification of a Change to Corporation Officer Details (Published)
02/08/2015	Financial Report (Lodged)
06/08/2015	Special administration - Notice of AGM (29 August 2015)
01/07/2015	Media release (3 July 2015)
12/06/2015	Special administration - Notice of information meeting (1 July 2015)
11/05/2015	Special administration - Newsletter (May 2015)
29/03/2015	Special administration - Notice of information meeting (17 April 2015)
11/03/2015	Notification of a Change to Corporation Officer Details (Published)
06/03/2015	Special administration - Media Release (6 March 2015)
03/03/2015	Special administration - Notice of de-liquidation and appointment (4 March 2015)
17/01/2015	Auditor's Report (Lodged)
18/12/2014	Cover Letter for Notice to Show Cause to Corporation
12/12/2014	Director's Report (Lodged)
18/12/2009	Director's Report (Lodged)
21/01/2008	Examiner's / Audit Report [2006/07]
21/01/2008	Balance Sheet [2006/07]
21/01/2008	Income & Expenditure Statement [2006/07]
21/01/2008	Compliance Statement [2006/07]
21/01/2008	List of Names & Addresses of Members [2006/07]
02/02/2007	Examiner's / Audit Report [2005/06]
02/02/2007	Balance Sheet [2005/06]
02/02/2007	Income & Expenditure Statement [2005/06]
02/02/2007	Compliance Statement [2005/06]
02/02/2007	List of Names & Addresses of Members [2005/06]
20/11/1986	Certificate of Incorporation

Annual returns / general report

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018

CATS Reporting

Financial Year	General Report	Financial Report	Director Report	Total Income	Total Assets	Number of Employees
2017/18	Not Submitted	Not Submitted	Exempted			
2016/17	Submitted	Submitted	Exempted	\$1,603,398.00	\$18,341,930.00	4
2015/16	Submitted	Submitted	Exempted	\$1,612,539.00	\$21,952,152.00	0
2014/15	Submitted	Submitted	Exempted	\$1,492,521.00	\$29,541,919.00	4
2013/14	Submitted	Submitted	Exempted	\$1,661,146.00	\$29,722,491.00	7
2012/13	Submitted	Submitted	Exempted	\$1,750,260.00	\$29,677,721.00	8
2011/12	Submitted	Submitted	Exempted	\$1,879,592.00	\$29,753,355.00	7
2010/11	Submitted	Submitted	Submitted	\$1,628,762.00	\$11,753,873.00	7
2009/10	Submitted	Submitted	Exempted	\$1,523,800.00	\$14,359,910.00	9
2008/09	Submitted	Submitted	Submitted	\$1,402,809.00	\$11,426,131.00	7
2007/08	Submitted	Submitted	Submitted	\$1,162,154.00	\$218,081.00	0

ACA Reporting

Financial Year	Audited Financial Statements	Member List	Statement of Compliance
2005/06	Supplied	Supplied	Supplied
2006/07	Supplied	Supplied	Supplied

* Annual returns due 31st December each year

*** End of corporation extract ***

*** Register of Indigenous Corporations ***

Deceased people: This extract may contain the names of deceased people. The Registrar strives to treat Indigenous culture and beliefs with respect. We acknowledge that to some communities it is distressing and offensive to show images or say the names of people who have died.

Note: Where no information is reported it means that the corporation has not provided the information or it is not available.

28 November 2018



Australian
Charity Register
Not-for-profit
Commission

ACNC Charity Register Summary

Murchison Region Aboriginal Corporation

Charity Details	
Name	Murchison Region Aboriginal Corporation
Other Name	
Charity ABN	48700808001
Charity Address for Service	25 Crawford Street GERALDTON WA
Charity Street Address	25 Crawford Street GERALDTON WA 6530
Website	
E-Mail	office@meac.net.au
Phone	0899230065
About the Charity	
Date Established	20/11/1986
Who the Charity Benefits	Aboriginal and Torres Strait Islander people
Size of Charity	
Financial Year End	06/30
Where the Charity Operates	
Operating State(s)	Western Australia
Operates in (Countries)	

Using the information on the Register

Information on this Register has been provided to the ACNC by the charity or transferred from the Australian Taxation Office (ATO) and the Australian Business Register (ABR). If information is not shown, this may be because the charity has not yet provided the information or because the ACNC is progressively confirming and uploading information received. The ACNC may also approve information be withheld from the Register in certain circumstances. The Register will be updated over time as we work through the information received and any applications for information to be withheld. Read more about [information on the Register](#).

28 November 2018



Australian
Charities and
Not-for-profit
Commission

ACNC Charity Register Summary

Murchison Region Aboriginal Corporation

Annual Reporting			
Due Date	Document	Status	Date Received
31/12/2013	AIS 2013	Not required	
31/12/2014	AIS 2014	Not required	
31/12/2015	AIS 2015	Not required	
31/12/2016	AIS 2016	Not required	
31/12/2017	AIS 2017	Not required	
31/12/2018	AIS 2018	Not required	

Using the information on the Register

Information on this Register has been provided to the ACNC by the charity or transferred from the Australian Taxation Office (ATO) and the Australian Business Register (ABR). If information is not shown, this may be because the charity has not yet provided the information or because the ACNC is progressively confirming and uploading information received. The ACNC may also approve information be withheld from the Register in certain circumstances. The Register will be updated over time as we work through the information received and any applications for information to be withheld. Read more about information on the Register.

acnc.gov.au

01/12/2018 3:07:02 PM

28 November 2018



Australian Government
Australian Taxation Office



MURCHISON REGION ABORIGINAL CORP
PO BOX 298
GERALDTON WA 6531

Our reference: 7104847124708
Phone: 1300 130 248
Client ID: 48 760 800 001

18 January 2017

Your organisation is endorsed for charity tax concessions

Dear Sir/Madam

We have endorsed your organisation for charity tax concessions and enclose your *Notice of endorsement for charity tax concessions*.

The following details will appear on the Australian Business Register:

- your organisation's endorsement to access charity tax concessions
- the date or period of effect.

You can view the details including the type of charity concessions at www.abr.business.gov.au

If your organisation has also applied for other endorsements, you will receive separate notification.

What you need to do

Your organisation should regularly review its entitlement to charity tax concessions. We recommend a yearly review. If there are any changes (for example, to governing rules, structure or operations) and you are no longer entitled to endorsement, you must notify us before or as soon as possible after the event.

For more information

Detailed information on your non-profit entitlements, obligations and how to subscribe to regular updates is available from our website, www.ato.gov.au/non-profit

You can phone us on **1300 130 248** between 8.00am and 6.00pm, Monday to Friday for help with matters specific to non-profit organisations, including the endorsement process for charities and deductible gift recipients, income tax, goods and services tax (GST) and fringe benefits tax (FBT) concessions.

What you need if you phone us

We need to know we are talking to the right person before we can discuss your tax affairs. We will ask for details only you or someone you have authorised would know. An authorised contact is someone who you have previously told us can act on your behalf. It will help if you quote 'Our reference', which you will find at the top of this letter. If you can, please have your Australian business number with you.

Yours faithfully

Michael Cranston
Deputy Commissioner of Taxation

MINUTES OF THE ORDINARY COUNCIL MEETING

28 November 2018



Australian Government
Australian Taxation Office

10 January 2017

Notice of endorsement for charity tax concessions

This endorsement notice has been issued to:

Name **MURCHISON REGION ABORIGINAL CORP**
Australian business number **48 700 809 001**

MURCHISON REGION ABORIGINAL CORP, a registered public benevolent institution, is endorsed to access the following tax concessions from the dates shown:

Income tax exemption from 1 July 2000 under Subdivision 50-B of the *Income Tax Assessment Act 1997*

GST concessions from 1 July 2005 under Division 176 of *A New Tax System (Goods and Services Tax) Act 1999*

FBT exemption from 1 July 2005 under section 123C of the *Fringe Benefits Tax Assessment Act 1985*

As an endorsed public benevolent institution, benefits your organisation provides to its employees are exempt from FBT where the total grossed-up value of certain fringe benefits for each employee during the FBT year is \$30,000 or less.

If the grossed-up value of benefits received by the employees of your organisation exceeds this threshold, your organisation is liable for FBT on the excess amount.

Reportable fringe benefits

If the value of certain fringe benefits provided to your organisation's employees exceeds \$2,000 in an FBT year, your organisation is required to record the grossed-up taxable value of those benefits on its employee's payment summary for the corresponding income year. This requirement applies even if your organisation is not liable to pay FBT.

Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abr.business.gov.au

Your organisation must notify us in writing if it ceases to be entitled to endorsement.

Chris Jordan
Commissioner of Taxation
Registrar of the Australian Business Register

480008090001

3 of 4

28 November 2018



Australian Government
Australian Taxation Office



MURCHISON REGION ABORIGINAL CORP
PO BOX 288
GERALDTON PO WA 6531

Our reference: T104947125742
Phone: 1300 130 248
ABN: 48 700 009 001

19 January 2017

Your organisation is endorsed as a deductible gift recipient

Dear Sir/Madam

We have endorsed your organisation as a deductible gift recipient and enclose your *Notice of endorsement as a deductible gift recipient*.

This endorsement enables your organisation to receive gifts which are tax deductible to donors.

The following details will appear on the Australian Business Register.

- your organisation's endorsement as a deductible gift recipient
- the date or period of effect.

You can view the details at www.abr.business.gov.au

If your organisation has also applied for other endorsements, you will receive separate notification.

What you need to do

Your endorsement was based on the information you gave us. Your organisation should regularly review its endorsement as a deductible gift recipient. We recommend a yearly review. If there are any changes (for example, to governing rules, structure or operations) and you are no longer entitled to endorsement, you must notify us before or as soon as possible after the event.

For more information

You can find out more about your non-profit entitlements, obligations and how to subscribe to regular updates on our website, www.ato.gov.au/non-profit. If you have any questions about matters specific to non-profit organisations, please phone us on 1300 130 248 between 8.00am and 6.00pm, Monday to Friday.

What you need if you phone us

We need to know we are talking to the right person before we can discuss your tax affairs. We will ask for details only you or someone you have authorised would know. An authorised contact is someone who you have previously told us can act on your behalf. It will help if you quote 'Our reference' which you will find at the top of the letter. If you can, please have your Australian business number with you.

Yours faithfully

Michael Cranston
Deputy Commissioner of Taxation

28 November 2018



Australian Government
Australian Taxation Office

19 January 2017

Notice of endorsement as a deductible gift recipient

Endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997* is provided as detailed below:

Name	MURCHISON REGION ABORIGINAL CORP
Australian business number	45 709 009 001
Endorsement date of effect	1 July 2000
Provision for gift deductibility	Item 1 of the table in section 30-15 of the <i>Income Tax Assessment Act 1997</i>
Item(s) in Subdivision 30-B of the <i>Income Tax Assessment Act 1997</i>	4.1.1 registered public benevolent institution

Your organisation's endorsement as a deductible gift recipient together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abr.business.gov.au

Your organisation must notify us in writing if it ceases to be entitled to endorsement.

Chris Jordan
Commissioner of Taxation and
Registrar of the Australian Business Register

28 November 2018



Community Housing Providers and Local Government Rates

Environmental Scan

December 2013

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Introduction

The payment of local government rates by community housing providers (CHPs) is an important policy consideration in light of the prospect of future housing stock transfers from the Department of Housing to CHPs and the variation of rates payment policy across different local governments and between the Department of Housing and CHPs.

This paper focusses on the legislative rates exemption for land used exclusively for charitable purposes and whether, based on current legislation and case law in Western Australia and other Australian jurisdictions, community housing qualifies for this exemption.

The Community Housing Coalition of WA (CHCWA) has surveyed its members to ascertain CHPs' relationship with their respective local governments with regards to rates and specifically to what degree they pay rates (if at all). There were 16 responses to the survey.

Below is an environmental scan which sets out:

- (a) what rates are;
- (b) individuals and entities who qualify for rates concessions and exemptions;
- (c) in relation to rates exemptions for CHPs:
 - (i) the current position in Western Australia;
 - (ii) the current position in each State and Territory; and
 - (iii) implications of the legal definition of 'charity' which will be in force from 1 January 2014;
- (d) a summary of the member survey results; and
- (e) alternative policy approaches.

What this document is not

Although the treatment of indigenous CHPs in relation to rates exemptions is discussed, rates exemptions in relation to native title have not been covered.

This document is not legal advice. While making every attempt to present general legal information accurately in this publication, CHCWA disclaims liability for any loss or damage arising from its use. This publication should not be relied upon as a substitute for legal or other professional advice.

Rates

Rates are calculated based on the Valuer General's Office's gross rental value of the land (being the Valuer General's estimate of the annual market rent that may be received if a property was leased). Rates contribute to the local government for the cost of providing facilities and services to the community, including maintenance of parks, library services, roads and recreational facilities.

In addition to rates, local governments:

- (a) levy a separate Rubbish Service charge for rubbish and recycling pick up;
- (b) can charge a swimming pool fee for properties with a swimming pool or spa; and
- (c) collect the Emergency Services Levy on the Department of Fires and Emergency Services' behalf, which funds the career Fire and Rescue Service, Volunteer and Rescue Service, Bush Fire Brigade, State Emergency Service units and Fire and Emergency Services Authority units throughout Western Australia.

Concessions and exemptions

People who own and occupy property as their ordinary place of residence on 1 July of the current financial year (or who are otherwise legally responsible for the local government rates) and hold a:

- (a) Pensioner Concession Card;
- (b) State Concession Card or
- (c) WA Seniors Card,

are eligible for a local government rates concession (as well as other concessions, including water service charges, Emergency Services Levy and underground electricity charges).

The concession amount is calculated based on the type of means tested card a person holds. Below is a summary of the concessions, which was published by the Department of Finance (WA).¹

Pensioner Concession Card OR a State Concession Card

- Entitled to receive up to a 50% rebate on local government rates charges, water service charges and emergency services levy.
- The option to defer rates may be available, subject to meeting the required criteria.
- Entitled to receive a rebate on water usage charges (a capped maximum amount applies each year).

WA Seniors Card AND a Commonwealth Seniors Health Card

- Entitled to receive up to a 50% rebate on local government rates charges, water service charges and emergency services levy.
- The option to defer rates may be available, subject to meeting the required criteria.

WA Seniors Card

- Entitled to receive up to a 25% rebate on local government rates charges, water service charges and emergency services levy.
- The rebate is limited to a maximum (capped) amount, which is reviewed annually.
- The option to defer rates is not available.

¹ Department of Finance, *Fact Sheet: Pensioners and Seniors Concession Scheme*, Available from: http://www.finance.wa.gov.au/cms/uploadedFiles/State_Revenue/Other_Schemes/Pensioners_and_Seniors/Pensioners-and-Seniors-Concessions-Scheme-Fact-Sheet.pdf?n=6470, pp 1-2.

We note that people who hold such cards make up a large proportion of tenants in community housing.²

The *Local Government Act 1995* (WA) also provides a number of circumstances where land is rates exempt, including for land used exclusively for charitable purposes.

We note that although the Department of Housing (and the State Government generally) is not obliged to pay local government rates, we are informed the Department of Housing pays local government rates in relation to public housing stock in order to maintain their relationship with local governments. If CHPs do not pay rates, stock transfers from the Department of Housing to CHPs has the potential to both decrease a local government's ability to cover its costs as well as have a detrimental effect on the CHP's relationship with the local government.

² For more information about the various concession cards and their eligibility requirements see: Department of Human Services, *Eligibility for Pensioner Concession Card*, Available from: <http://www.humanservices.gov.au/customer/enablers/centrelink/pensioner-concession-card/eligibility>; Department for Child Protection and Family Support, *State Concession Card*, Available from: <https://www.dcp.wa.gov.au/SupportingIndividualsAndFamilies/Pages/StateConcessionCard.aspx>; Department of Local Government and Communities, *WA Seniors Card*, Available from: <http://www.communities.wa.gov.au/seniors-card/Pages/default.aspx>; and Department of Human Services, *Commonwealth Seniors Health Card*, Available from: <http://www.humanservices.gov.au/customer/services/centrelink/commonwealth-seniors-health-card>. For information on community housing tenants' income sources see CHCWA 2011, *Community Housing Sector Survey 2011 Final Report*, CHCWA, Available from: <http://community.webvault.wa.gov.au/content/uploads/2012/05/SecCons.pdf>, p 16.

The Current Position in Western Australia

Legislation

A Western Australian local government's ability to impose under rates, and any exemptions to rates, arise under the *Local Government Act 1995 (WA) (LGA)*.

Under sub-section 6.26(1) of the LGA, the general position is that all land is rateable land.

Under sub-section 6.26(2)(a), land owned by the Crown is generally not rateable. However, under section 1.4, if the Crown leases the land to another entity, the lease agreement could contain a clause which causes that entity to be the 'owner' of the land for the purpose of rates. As noted above, the Department of Housing chooses to pay rates, although it is not obliged to do so.

The exemption potentially relating to CHPs is provided for by sub-section 6.26(2)(g), which states that land used exclusively for charitable purpose is not rateable.

This is clarified by sub-section 6.26(6), which states land does not cease to be used exclusively for a purpose merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

There is no overriding Western Australian or federal legislative definition of 'charitable purpose', although a number of Western Australian Acts use the term 'charitable purpose' and there is an incoming federal legislative definition of charity (both discussed below). Currently, the legal concept of 'charity' or 'charitable purpose' is defined with reference to English law.

The Preamble to the *Charitable Uses Act 1601 (UK) (Statute of Elizabeth I)* endeavoured to set parameters for identifying 'charitable purposes' and provided a list, including:

- (a) relief of the aged, impotent and poor;
- (b) maintenance of sick and maimed soldiers and mariners;
- (c) aid to schools and scholars in universities; and
- (d) the help of young tradesmen and handicraftsmen.

However, this list was never considered to be exhaustive and rather provided the 'spirit and intention' behind the meaning of 'charitable purpose'. Case law provides a modern interpretation.

Case Law

The universally acknowledged modern interpretation and application of the Statute of Elizabeth I definition of 'charitable purpose' is found in *Commissions for Special Purposes of Income Tax v Pemsel* [1891] AC 531, in which Lord Macnaghten stated the legal meaning of 'charity' was a trust for one of the following:

- (a) the relief of poverty;
- (b) the advancement of education;
- (c) the advancement of religion; and
- (d) other purposes beneficial to the community.

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The High Court of Australia confirmed the Statute of Elizabeth I's incorporation in Australian law, finding that in order for an institution to be charitable, it must be:

- (a) within the spirit and intendment of the Preamble to the Statute of Elizabeth I; and
- (b) for the public benefit.³

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable:

- (a) it must fall within the purposes set out in the Statute of Elizabeth I (or by Lord Macnaughten above); and
- (b) (except possibly in relation to the relief of the poor) there must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.⁴

Australian case law further establishes that poverty need not be destitution⁵ and may extend to the promotion of culture.⁶ Further, indigenous people have been judicially and statutorily recognised as being severely disadvantaged in Australian society and are a "class which, generally speaking, is in need of protection and assistance."⁷

In relation to indigenous housing, the Supreme Court has granted a rates exemption because:

- (a) the advancement of Aboriginal people was a charitable purpose;
- (b) the activities conducted upon the land were exclusively charitable.⁸

In this particular case, the land was used by an Aboriginal Corporation to provide low-cost rental housing for economically disadvantaged Indigenous people. The proceeds were used by the Corporation to pay bills, cover office costs and generally further the objects of the organisation, but not in order to generate profit. A number of not-for-profit projects were also undertaken on the land, which aimed to improve living conditions, keep people occupied, discourage excessive alcohol drinking, create self-respect and (theoretically) create income to further the Corporation's objects.

Arguably, "Aboriginal people" could be substituted for another disadvantaged socio-economic group and the same qualification for rates exemption should apply for CHPs.

Australian case law has also confirmed and elaborated on the application of sub-section 6.26(6), being that some incidental uses of the land does not destroy the exclusiveness of the use of the land for charitable purposes and so fall within sub-section 6.26(2)(g).⁹

³ *Royal National Agricultural and Industrial Association v Chester* [1974] 48 ALJR 304.

⁴ *Australian Flying Corps & Royal Australian Air Force Association (WA Division) Inc and City of Mandurah* [2013] WASAT 89; *West Australian Baptist Hospital & Homes Trust Inc v City of South Perth* [1978] WAR 65; *Uniting Church Homes (Inc) and City of Stirling* [2005] WASAT 191; *Retirees WA (Inc) and City of Belmont* [2010] WASAT 56.

⁵ *Lemm and Others v The Federal Commissioner of Taxation* [1942] 66 CLR 399.

⁶ *Tangentyere Council Inc v The Commissioner of Taxes* [1990] NTSC 14.

⁷ *Aboriginal Hostels v Darwin City Council* (1985) 75 FLR 197 at 211, as cited in *Gumbangerrii Aboriginal Corporation v Nambucca Council* [1996] NSWLEC 99.

⁸ *Shire of Ashburton v Bindibindi Community Aboriginal Corporation* [1999] WASC 106.

⁹ *Salvation Army (Victoria) Property Trust v Fern Tree Gully Corporation* (1952) 85 CLR 159; *Technology Assisting Disability WA Inc and Town of Bassendean* [2011] WASAT 154.

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Most of the recent Western Australian case law in relation to housing providers has centred on organisations providing housing for the aged successfully obtaining an exemption under sub-section 6.26(2)(g).

Utilities in Western Australia

Discussion about rates exemptions in relation to CHPs can also be informed by the exemptions CHPs qualify for from utilities providers.

It is noted that utilities providers receive an Operational Subsidy from the WA Government to compensate them for the concessions they provide to organisations such as CHPs. This subsidy is not provided to local governments. Given the State Government's current position of making budget cuts wherever it can, it is unlikely the Operational Subsidy will extend to local governments in the near future.

Water

Under sub-by-law 4(1)(e) of the *Water Agencies (Charges) By-laws 1987 (WA)*, land used, occupied, or held exclusively for charitable purposes, not being land leased or occupied for any private purpose, is eligible for discounts for water service charges, sewerage service charges and drainage charges.

Sub-by-law 4(3) defines charitable purposes as purposes that, in the opinion of the Water Corporation, involve:

- (a) the provision of relief or assistance to sick, aged, disadvantaged, unemployed or young persons; or
- (b) the conducting of other activities for the benefit of the public or in the interests of social welfare not otherwise mentioned in sub-by-law (1),

by a private organisation that is not operated for the purpose of profit or gain to individual members, shareholders or owners.

Sub-by-law 4(4) states that if, for the provision of relief or assistance referred to in sub-by-law 4(3)(a) land is provided to a person for residential use, then for the purposes of sub-by-law 4(1)(e) the use of that land by that person and any of his or her family for residential purposes shall not be taken to be use for a private purpose.

Although it is at the Water Corporation's discretion whether a purpose is classified as a charitable purpose (and an entity is eligible for the prescribed concessions), we understand CHPs receive these concessions.

The Water Corporation receives Operating Subsidy contributions from the WA Government to compensate the Water Corporation for the concessions it provides. In the 2012-2013, the Water Corporation received \$116 million from the WA Government for revenue concessions out of a total of \$437 million in operating subsidies.¹⁰

Electricity

Synergy provides concessions on electricity tariffs for premises wholly used by a charitable or benevolent organisation for providing residential accommodation other than for commercial gain in

¹⁰ Water Corporation, *Annual Report 2013*, Available from: <http://www.watercorporation.com.au/-/media/Files/About%20us/Our%20performance/Annual%20report/2013%20Annual%20report/Water%20Corporation%202013%20Annual%20Report.pdf>, p 12.

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accordance with sub-by-law 12(1) of the *Energy Operators (Electricity Retail Corporation)(Charges) By-laws 2006* (WA). The By-laws do not provide further definition of any of the terms within by-law 12(1).

Synergy also receives Operating Subsidy contributions from the WA Government to compensate Synergy for the concessions it provides. Synergy's 2012-2013 Annual Report does not set out how much it received from the WA Government for revenue concessions, however it states that Synergy received \$368,255,000 in 'other operating receipts'.¹¹

Other Legislative Definitions of Charitable Purpose in WA

Although other WA legislation refers to 'charitable purpose', it does not usefully inform the definition of the term in the LGA.

Sub-sections 5(a), (e), (f) and (g) of the *Charitable Collections Act 1946* (WA), defines charitable purpose as including respectively:

- (a) the affording of relief to diseased, sick, infirm, incurable, poor, destitute, helpless or unemployed persons, or to the dependant of any such persons;
- (b) the affording of relief, assistance or support to persons who are or have been members of [naval, military or air] forces or to the dependants of any such persons;
- (c) the support of hospitals, infant health centres, kindergartens and other activities of a social welfare or public character; and
- (d) any other benevolent, philanthropic or patriotic purpose,

each of which could conceivably encompass CHPs.

The *Charitable Trusts Act 1962* (WA) defines 'charitable purpose' as "every purpose that in accordance with the law of Western Australia is charitable", which is very broad and could easily encompass CHPs, but is not very helpful.

The *Trustees Act 1962* (WA) and the *Lotteries Commission Act 1990* (WA) both use the term 'charitable purpose', but do not define it.

¹¹ Synergy, *Annual Report 1 July 2012 – 30 June 2013*, Available from: <http://www.watercorporation.com.au/-/media/Files/About%20us/Our%20performance/Annual%20report/2013%20Annual%20report/Water%20Corporation%202013%20Annual%20Report.pdf>, p 33.

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The Current Position in each State and Territory

Each State and Territory has its own way of dealing with community housing and local government rates. Below is only a brief summary in relation to rates exemptions potentially available to CHPs rather than an exhaustive analysis of the legislative and case law position in each State and Territory.

South Australia

Under sub-section 161(1) of the *Local Government Act 1999* (SA), community service organisations, are entitled to a 75 per cent rebate (or, at the discretion of the council, at a higher rate) on local government rates.

Community housing providers qualify as 'community service organisations' under the criteria set out in sub-section 161(4)(iii) of the *Local Government Act 1999* (SA).

Earlier in 2013, the South Australian Government announced it would transfer about 5,000 public houses to community housing providers. In response, the South Australian Local Government Association commented that because housing in the community sector received a 75 per cent rates discount, such a transfer could have a significant impact on councils with a large proportion of government housing and could cause those councils to shift the rates burden across to other ratepayers.¹²

Tasmania

Under sub-section 87(1)(d) of the *Local Government Act 1993* (Tas), land or part of land owned and occupied exclusively for charitable purposes is rates exempt. It is more onerous than the Western Australian legislation, as ownership is part of the criteria.

Although the 'exclusive charitable purpose' limb of the criteria is similarly worded to the Western Australian legislation, it has been distinguished in the courts, albeit at a Magistrates Court level.¹³ The focus of the legislation is 'occupation' rather than 'use'. While a charitable organisation may own the land and provide residential units for low income elderly persons at a below market rent, thereby relieving poverty, a strict application of sub-section 87(1)(d) means that land does not qualify for a rates exemption because the land is *occupied* by the low income elderly tenants for a residential (rather than charitable) purpose.

This decidedly uncharitable interpretation, individual local councils limit such an application and exercise their discretion via their individual exemption policies. For example Launceston City Council uses aged persons homes and homeless hostels as examples of charitable organisations which may be eligible for an exemption.¹⁴ However, it does specify "residential properties and manses owned by Religious institutions even when occupied by a minister" as an example of non-charitable activities, which is consistent with the above referred to court interpretation.

¹² 'Public housing changes could hit SA council revenues', ABC (online), 14 June 2013, Available from: <http://www.abc.net.au/news/2013-06-13/public-housing-changes-could-hit-south-aust-council-revenues/4750930>.

¹³ *Roman Catholic Church Trust Corporation of the Archdiocese of Hobart v Meander Valley Council* [2012] TASM 34 at [24]-[29].

¹⁴ Launceston City Council, 31 May 2013, *Rating Exemptions and Remissions for Charitable Organisations Policy*, Launceston City Council, Available from: http://www.launceston.tas.gov.au/upfiles/lcc/cont/_services/household/rates/23pl002_rating_exemption_for_properties_owned_and_occupied_by_charitable_organisations_policy.pdf.

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Victoria

Under sub-section 154(2)(c) of the *Local Government Act 1989 (Vic)*, any part of land used exclusively for charitable purpose is rates exempt. The interpretation of 'exclusive use' and 'charitable purpose' is similar to that in Western Australia.

Victoria differs to Western Australia in that affordable housing is referred to in the *Local Government Act*, with sub-section 169(1D) stating that "a Council may grant a rebate or concession in relation to any rate or charge, to support the provision of affordable housing to a registered agency" (a registered agency being a housing association or housing provider registered with the Victorian Department of Housing). Thus, CHPs are a distinct group recognised under the legislation which do not automatically qualify as organisations which use land for a charitable purpose. The practical effect of this section is that the local governments can exercise their discretion and are not specifically compelled to grant exemptions to CHPs.

CHPs recently received a reprieve in relation to fire service levies in Victoria. In July, the Victorian Government introduced a fire services property levy on all property owners to fund the Metropolitan Fire Brigade and Country Fire Authority.¹⁵ Some councils inadvertently applied the commercial rate rather than the residential rate to CHPs. However, the Victorian Government confirmed that CHPs qualified for the residential rate and the incorrect invoicing was rectified.

Properties managed by registered housing associations and providers on the Director of Housing's behalf are exempt from the fire services property levy.

New South Wales

Under sub-section 556(1)(h) of the *Local Government Act 1993 (NSW)*, "land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity" are exempt from all rates (other than water supply special rates and sewerage special rates). Under sub-section 558(1)(c), a council has the discretion to also exempt a public charity from the payment of water supply special rates and sewerage special rates.

Similar to Tasmania, the land must be owned by the institution or charity to be eligible for the general rates exemption. However, in New South Wales (as opposed to Tasmania) the distinction between use and occupation is moot because if the ownership limb is satisfied, either qualifies the land for an exemption.

The Courts define a public benevolent institution as an institution organised for the relief of poverty, sickness, destitution, helplessness or misfortune and while they vary in scope and character, give relief freely to those who are in need of it and who are unable to care for themselves.¹⁶ When considering whether an organisation is a public benevolent institution, they look to the objects in the organisation's constitution (or similar document).

The Courts use the Elizabeth Statute to define charity, in line with other States' interpretation.

The majority of the case law in relation to CHP rates exemptions in NSW relate to Aboriginal housing corporations, some of which have been successful in obtaining exemptions.¹⁷ This may be because

¹⁵ Richard Willingham, 'Housing groups win levy reprieve', *The Age* (online), 26 August 2013, Available from: <http://www.theage.com.au/victoria/housing-groups-win-levy-reprieve-20130825-2sjxr.html>.

¹⁶ *Perpetual Trustee Co Ltd v Commissioner of Taxation* [1931] 45 CLR 224, per Starke J at 232, Dixon J at 233 and Evatt J at 235-236.

¹⁷ For example: *Gumbangerri Aboriginal Corporation v Nambucca Council* [1996] NSWLEC 99; *Coomealla Aboriginal Housing Company Ltd v Wentworth Shire Council* [1999] NSWLEC 211; *Murray Darling Community*

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of the reference to 'public benevolent institution', which arguably is broader than the definition of a charity when the above referred commentary regarding indigenous people is applied.

Australian Capital Territory

Under sub-section 8(1)(b) of the *Rates Act 2004 (ACT)*, benevolent institutions and buildings used exclusively for public charitable purposes are rates exempt. Sub-section 8(2) specifically excludes community housing purposes from the meaning of 'public charitable purposes'.

Community housing has the meaning prescribed to it under sub-section 73A(4) of the *Duties Act 1999 (ACT)*, being housing provided for:

- (a) people on low and moderate incomes or with special needs; or
- (b) nonprofit community organisations.

Queensland

Under sub-section 93(3)(i) of the *Local Government Act 2009 (Qld)*, local governments can resolve to give a rates exemption for particular land if is used for a charitable purpose. The power is discretionary and lies with the individual local government to grant an exemption.

Section 73 of the *Local Government Regulation 2012 (Qld)* further specifies certain qualification criteria for land relating to *inter alia* charitable purposes. Criteria where CHPs may qualify include:

- (a) land owned by a religious entity if the land is less than 20ha and is used for at least of the following purposes:
 - (i) provision of education, health or community services, including facilities for aged persons and persons with disabilities; or
 - (ii) housing incidental to any of these given purposes
(with other purposes under this criteria relating to religious purposes);
- (b) land vested in, or placed under the management and control of, a person under an Act for a charitable purpose; and
- (c) land owned by a community organisation if the land is less than 20ha and is used for providing a service, including the following:
 - (i) accommodation associated with the protection of children; or
 - (ii) accommodation for students.

The Act came into force in 2009 and the Regulations came into force in 2012. There does not appear to be any case law in relation to the relevant sections. However, it is reasonable to assume that the federal case law cited above inform the interpretation of the relevant sections. A plain English reading of the exemptions under the Regulation indicate that the criteria are quite restrictive and would be interpreted as such.

Northern Territory

Under sub-section 144(1)(f) of the *Local Government Act (NT)*, land used for a non-commercial purpose by a public benevolent institution or a public charity is rates exempt. Under sub-section

Care Incorporated and Coomealla Aboriginal Housing Company Ltd v Wentworth Shire Council [2000] NSWLEC 236.

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144(2), if land is used for two or more purposes and not all the purposes are exempt, the non-exempt purposes must be merely incidental for the land to qualify for the exemption.

Under sub-section 144(3), the fact that the user is a public benevolent institution or a public charity is irrelevant in determining whether the land is a commercial or non-commercial purpose. The relevant question is the nature of the use (rather than the nature of the user).

Under section 3, Aboriginal community living area means an area granted as such under legislation or designated as such by the Minister through a Gazette notice. An Aboriginal community living area association is an incorporated association in which an Aboriginal community living area is vested.

Sub-section 144(1)(k) provides specific exemption for land owned by a Land Trust or an Aboriginal community living area association except:

- (a) land designated in the regulations as rateable; or
- (b) land subject to a lease or licence conferring a right of occupancy; or
- (c) land used for a commercial purpose.

Arguably, Indigenous CHPs fall in to the second exception and there for are liable for rates. However, Land Trusts and Aboriginal community living area associations qualify as a special cases under section 145 which appears to grant them a special exemption for rates (although the lessees of their land may not qualify).

This Act came into force on 1 July 2008. There does not appear to be any case law in relation to the relevant sections. However, it is reasonable to assume that the federal case law cited above inform the interpretation of the relevant sections. It is arguable that CHPs do not carry on a commercial purpose because any profit that is generated is fed back into the organisation in order to provide the charitable purpose housing to those in need.

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Federal Legislative Definition of Charitable Purpose

The *Charities Act 2013* (Cth), which comes into effect on 1 January 2014, defines 'charitable purpose' at section 12 to include, *inter alia*, "the purpose of advancing social or public welfare". Section 15 broadly defines what constitutes the purpose of advancing social or public welfare by including (without limitation):

- (a) relieving poverty, distress or disadvantage or individuals or families;
- (b) caring for and supporting the aged or individuals with disabilities; and
- (c) caring for, supporting and protecting children and young individuals.

Each of these broad definitions arguably encompass the provision of housing to such individuals, families and children who would otherwise be unable to access housing.

The Explanatory Memorandum of the Charities Bill 2013 (Cth) specifically states the 'advancing social or public welfare' referred to in section 12 to include "providing housing and accommodation support for people with special needs or who are otherwise in a special disadvantage in terms of their access to housing."¹⁸

The Addendum to the Explanatory Memorandum of the Charities Bill 2013 (Cth) further states in relation to the definition of charitable purpose and under the head of 'charitable housing':

*The examples of purposes are not intended to limit charitable purposes to those specifically mentioned. Particularly under the broad category of advancing social or public welfare, the purposes of an entity may encompass a range of circumstances. For example, a charitable purpose that includes providing housing may address housing needs arising from financial disadvantage under the relief of poverty. Charitable housing may also address particular or special physical, social or psychological needs or other special disadvantages of individuals and families. A special disadvantage is disadvantage suffered by an individual or family that is something more than the issues commonly experienced by the public, such as general problems with housing affordability.*¹⁹

Recent case law suggests that the definition of charitable purpose with reference to charitable housing in the Explanatory Memorandum should not be relied upon because the Explanatory Memorandum carries little weight in a court dispute.²⁰ However, it is arguable that the inclusion of housing in the charitable purpose definition is distinguished in that the wording of the section in the Act intended the definition to be as broad and inclusive as possible, and to interpret the legislative definition as not being as broad and inclusive so as to encompass the including the explanatory memorandum definition would be a misguided interpretation of the intention behind the Act.

¹⁸ Explanatory Memorandum, Charities Bill 2013 (Cth) 24-25, [1.124]. Available from: http://www.austlii.edu.au/au/legis/cth/bill_em/cb2013114/memo_0.html.

¹⁹ Addendum to the Explanatory Memorandum, Charities Bill 2013 (Cth) and Charities (Consequential Amendments and Transitional Provisions) Bill 2013 (Cth) 5, [1.5]. Available from: http://www.austlii.edu.au/au/legis/cth/bill_em/cb2013114/memo_1.html.

²⁰ Particularly *The Hunger Project Australia v Commissioner of Taxation* [2013] FCA 693 per Perram J at 118.

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Member Survey

A preliminary review of the survey results reveals that rates exemptions are inconsistently applied to CHPs across local government areas to the point where the same CHP is exempt in one local government area and pays full rates in another. This demonstrates the lack of clear definitions in the legislation as well as a lack of guidance for local governments in applying the legislation.

The survey results also include views about whether CHPs should be obliged to pay local government rates. These views highlight the arguments for and against CHPs paying local government rates. Some CHPs acknowledge that rates form a local government's income to provide facilities and services, from which CHPs and their tenants benefit. Therefore, CHPs should not withhold from the local government that source of income. However, other CHPs consider that as they are providing a community service of social housing at below market rent, they should be exempt from rates. Further, any money that is saved from not paying rates can then be used to better maintain and improve the services provided.

The respondent group was located in both regional and metropolitan local government areas with a number of different CHPs owning and/or managing properties within the same local government area.

The survey received responses from a range of CHP types, including senior, Indigenous, crisis and transitional, youth, mental health / intellectual disability, Co-op and general. There was a mix of ownership types, with some CHPs managing properties owned themselves, some CHPs managing properties owned entirely or jointly by the Department of Housing, some CHPs managing properties owned by a third entity and some CHPs managing a mix of two or three of the above.

Interestingly, although some CHPs reported not owning any properties themselves, but managed properties owned either jointly or entirely by the Department of Housing, the same CHPs reported paying full local government rates for those same properties. A prima facie reading of the Act suggests this set of circumstances contravenes the Act. However, it is acknowledged that CHCWA is not aware of any arrangements those CHPs and the Department of Housing have in relation to local government rates payment.

The responses also revealed that CHPs within the same local government area were being treated differently, with some CHPs benefiting from exemptions and some paying full local government rates after unsuccessful exemption applications. Again, it is acknowledged that local governments assess whether an exemption should be granted based on the application they are given and CHCWA is not aware of the contents of CHPs' rates exemption applications in either of the above described situations.

However, it is clear there is no uniform approach to granting exemptions to CHPs and both local governments and the community housing sector would benefit from a more equitable application of sub-section 6.26(2)(g) of the Act, removing the present uncertainty.

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Alternative Policy Approaches

Given the lack of uniformity in relation to CHPs receiving local government rates exemptions, CHCWA has identified four alternative approaches:

- (a) interpreting sub-section 6.26(2)(g) as inclusive of CHPs;
- (b) granting a partial exemption to CHPs;
- (c) excluding CHPs from exemptions under sub-section 6.26(2)(g);
- (d) exemptions based on CHP structure.

Each alternative is problematic, as each potentially involves amendments to the Act, which would need to go through State Parliament. A policy adoption approach could be challenged on the basis of previous case law which interprets the legislation as it stands.

As shown by the survey responses, the CHPs themselves do not agree whether CHPs should receive local government exemptions and it is naïve to suggest that local governments would wholeheartedly support a policy with the potential to curtail their income.

However, any amendment will leave an entity with less money. If CHPs are ruled to be exempt, local governments who have previously had CHPs in their electorate paying full rates will have that income taken away from them with ongoing ramifications to their budgets and other ratepayers. If CHPs are given a partial or no exemption, CHPs which have previously been granted an exemption would have to find the money to pay this new expense with ongoing ramifications to their budget and the possibility that those CHPs would be unable to continue to provide their services to the same extent, if at all.

Below, the pros and cons of each alternative are discussed, with reference to responses to the survey.

Interpreting sub-section 6.26(2)(g) as inclusive of CHPs

This would save CHPs' resources being paid into rates or used to apply for rates exemptions. Those resources could then be invested in providing and maintaining housing to those in need, such as the homeless, disadvantaged and people with mental health issues. A rates exemption acknowledges the community service CHPs provides within a local government area.

In the survey, some respondents appreciated that local governments relied on rates as a revenue stream, but argued that the cost of rates is not built into the reduced rent CHPs charge their tenants.

They likened rates exemptions to any other tax exemption not-for-profits receive and did not see why rates should be an exception. It was suggested that in some cases, the CHP maintained its internal infrastructure, such as roads and security lighting and the local government has no claim to rates where that is the case. By providing affordable housing, CHPs are providing a service which the local government may otherwise have to provide because of the need in the community.

However, respondents to the survey also acknowledge that to the extent one group is exempted, all other ratepayers must pay more for the local government to cover its budget. It was also noted that the exemption is legislated at a State government level; however the foregone income occurs at a local government level.

28 November 2018

Granting a partial exemption to CHPs

A partial exemption, similar to that in South Australia is considered by some CHPs to be the happy medium. CHPs could pay reduced rates, which acknowledges that the tenants tend to on one form of pension or another and would otherwise qualify for rates exemptions, while also helping support the local government.

If a CHP is currently paying full rates, a partial exemption would contribute to its ability to maintain their housing stock and continue to provide affordable, below-market rents to their tenants. However, if a CHP currently has a full exemption, it is possible the CHP would have find more funding or scale down its maintenance and/or increase rents in order to cover this new cost.

Excluding CHPs from exemptions under sub-section 6.26(2)(g)

Other CHPs argue stock transfers from the Department of Housing come with costs and community responsibility. Local Governments cannot be expected to be denied legitimate rates income which they have previously come to expect from the Department of Housing and factored into their long term budgets. It was also suggested that CHPs which cannot manage profitably without rates exemptions should not expect to own and manage State assets.

Similar to the granting of a partial exemption, if a CHP currently has a full exemption, removing that exemption could have a detrimental effect on the CHP as it tries to cover this new, unexpected cost.

Exemption based on CHP structure

Arguably, another alternative would be to grant the exemption based on the size of the CHP, as well as their type and financial status (e.g. amount of stock, annual turnover.) However, it would appear that this is what local governments already try to do by assessing a CHP's application for a rates exemption, without any clear uniformity across different local governments.

Setting out clear criteria in terms of size and turnover could generate uniformity. However, it could also discourage growth as CHPs weigh up the benefits of growth against the cost of rates. This could be detrimental to the ongoing supply of affordable housing.

28 November 2018

About CHCWA

CHCWA is the industry Peak Body for community and affordable housing organisations in WA. It advocates for affordable housing and supports the industry to grow and develop in response to housing need around the State.

CHCWA's vision is a world class social and affordable housing system in Western Australia.

CHCWA's core operating principle is that all West Australians are entitled to safe, secure and affordable housing because it is fundamental to individual and community well-being. Inclusiveness, ethical practice, respect, collaboration and innovation are the core values underpinning our business activities.

Policy and advocacy

CHCWA represents the WA Community Housing Sector at all relevant levels of State and Federal Government. In so doing, CHCWA adopts a consultative and collaborative approach with key sector and Government stakeholders to ensure that our policy reflects the views of the sector and is mindful of the requirements of Government policy makers. We are proactive and seek to identify emerging issues as well as contribute to policy debate initiated by the Government.

One of CHCWA's objectives is to raise awareness of housing affordability issues in the broader community. The community and affordable housing sector is only one part of a much larger continuum and is heavily affected by the behaviour of the broader housing market. As such our policy and advocacy strategy is not limited to community and affordable housing.

Promotion

The growth of the Community Housing Industry is central to the State Government's Affordable Housing Strategy 2010-2020. At a national level, community and affordable housing organisations using not-for profit business models are becoming the engines for growth in terms of social and affordable housing provision. CHCWA promotes the sector to a range of stakeholders, including those in the private sector, highlighting both the sector's successes and its vast potential to address WA's chronic shortage of social and affordable housing.

Sector development and sector efficiency

CHCWA takes a lead role in facilitating the development of the sector. We do this by offering guidance to Community Housing Organisations regarding best practice management as well as offering training courses and workshops designed to improve their operating models in a variety of ways. CHCWA believes that the most important objective for our sector is to increase the number of community and affordable housing units there are in the State. To realize this, CHCWA aims to facilitate alliances and partnerships between Community Housing Organisations that create efficiencies and maximise the sector's potential for growth.

28 November 2018

Deed of Settlement

Between:

MURCHISON REGION ABORIGINAL CORPORATION (ICN 500)

25 Crawford Street, Geraldton WA 6530

and

SHIRE OF SHARK BAY

65 Knight Terrace, Denham WA 6537

This deed of settlement is dated 1 October 2018

1 Defined terms

LG Act means *Local Government Act 1997 (WA)*.

MRAC means the Murchison Region Aboriginal Corporation.

Properties means the properties owned by MRAC located within the Shire of Shark Bay, being:

- (a) 23 Capewell Drive, Denham;
- (b) 82 Durlacher Street, Denham.

Termination Date means 1 July 2025

2 Background

- 2.1 On 14 September 2018, MRAC wrote to the Shire of Shark Bay to object to the rate record and apply for rates exemptions under section 6.76 of the LG Act in respect of the Properties on the ground that the land is not rateable as the Properties are used for an exclusively charitable purpose for the purposes of section 6.26(2)(g) of the LG Act.

3 Agreed terms

- 3.1 The Shire of Shark Bay will correct the rate record for the Properties to reflect that the land is not rateable by reason of it being used for an exclusively charitable purpose for the purposes of section 6.26(g) of the LG Act.

28 November 2018

- 3.2 The Shire of Shark Bay will not impose rates in respect of the Properties, or any properties acquired by MRAC after the date of this deed of settlement which are used for an exclusively charitable purpose, in future financial years unless there is a material change in the use of any of the Properties.
- 3.3 MRAC will advise the Shire of Shark Bay as soon as practicable after:
- (a) MRAC becomes aware that any property referred to in clause 3.2 has ceased being used for an exclusively charitable purpose;
 - (b) MRAC disposes of any of the Properties; or
 - (c) MRAC acquires any properties located within the Shire of Shark Bay that are being used for an exclusively charitable purpose.
- 3.4 MRAC will make an ex gratia payment each year to the Shire of Shark Bay to the value of 20% of the rates that would have been levied, had any property referred to in clause 3.2 been rateable.
- 3.5 To facilitate the ex gratia payment contemplated in clause 3.4, the Shire of Shark Bay will advise MRAC each year the value of the rates that would have been levied, had any property referred to in clause 3.2 been rateable.
- 3.6 If a dispute arises under clause 3.8 or in relation to the value of the rates that would have been levied, had any property referred to in clause 3.2 been rateable:
- (a) the parties must negotiate in good faith to resolve the dispute;
 - (b) if the dispute cannot be resolved within 14 days, the matter must be referred to an independent expert mutually acceptable to both parties to resolve the dispute, whose determination will be final and binding on the parties.
- 3.7 Subject to clause 3.8, this deed of settlement will terminate on the Termination Date.
- 3.8 If, prior to the Termination Date, there is a change to the LG Act which affects whether or not any property referred to in clause 3.2 is rateable land, the parties agree to –
- (a) negotiate in good faith as to whether that change, within the context of the evident intent of this deed, is reason to terminate the deed prior to the Termination Date;
 - (b) if it is agreed to terminate the deed it will terminate as and from the date the change came into effect; and
 - (c) if the parties cannot agree on whether or not the deed should be terminated within 14 days of the date the change came into effect, clause 3.8(b) will apply.
- 3.9 This deed of settlement may be executed in counterparts.
- 3.10 This deed of settlement shall be governed by and construed in accordance with the laws of Western Australia.

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28 November 2018

Executed as a deed on (date)

Signed, sealed and delivered by Murchison Region Aboriginal Corporation in accordance with subsection 99-5(1) of the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (Cth) by:	
Signature of director	Signature of director/secretary
Name of director (print)	Name of director/secretary (print)

Signed on behalf of the SHIRE OF SHARK BAY in accordance with section 9.49A of the <i>Local Government Act 1995 (WA)</i> by Paul Anderson Chief Executive Officer of the Shire of Shark Bay in the presence of:	
Signature of witness	
Name of witness (print)	

28 November 2018

13.0 TOWN PLANNING REPORT

13.1 MINOR DEVELOPMENT BY WATER CORPORATION AT WASTE WATER TREATMENT PLANT – LOT 345 MONKEY MIA ROAD, DENHAM P4319

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of *Local Government Act 1995*

Moved Cr Laundry
Seconded Cr Capewell

Council Resolution

That Council:

- 1. Note that the development for a proposed shed on Lot 345 Monkey Mia Road is a ‘public work’ and is exempt from the need for any planning approval in accordance with Section 6 of the *Planning and Development Act 2015*.**
- 2. Note that the Shire Administration has advised the Water Corporation that there is no objection to the proposal and has confirmed that no planning approval is required.**

6/0 CARRIED

BACKGROUND

Lot 345 is owned by the Water Corporation and contains a waste water treatment plant. It has an area of 25 hectares.



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COMMENT

The Water Corporation consulted with the Shire as they propose to construct a 3 metre wide by 3 metre deep and 2 metre tall cyclone rated storage shed which complies for the standards for storing dangerous goods.

The shed will be used to store Chlorine bottles used at the treatment plant, and will replace an existing temporary shed – refer plan below.

The Denham Waste Water Treatment Plan is a fenced compound and is inaccessible to the general public.



The shed will be similar to a chlorine storage shed constructed at Wyalkatchem – photo below.



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The Water Corporation has advised that the shed is an urgent project as they seek to construct it before the next cyclone season.

The proposed development is minor, is being pursued to provide safe storage, and is ancillary to the existing waste water treatment plant.

It is exempt from the need for planning approval as it is a public work being carried out by a public authority (which can include Corporations).

LEGAL IMPLICATIONS

- Planning and Development Act 2015 –

Section 6 states that *'nothing in this Act interferes with the right of the Crown, or the Governor, or the Government of the state, or a local government - (a) to undertake, construct or provide any public work; and (b) to take land for the purposes of that public work.'*

Section 4 defines a 'public authority' as including *'any other person or body, whether corporate or not, who or which, under the authority of any written law, administers or carries on for the benefit of the state, a social service or public utility'*.

Even though the development is exempt from planning approval, the Water Corporation still has to consult with the Shire, and hence they referred the application to the Shire seeking written advice.

- Public Works Act 1902 –

Defines what constitutes a public work and it includes *'any works for or in connection with the supply of water to, or for or in connection with the sewerage of, any city, town, or district, including all reticulations'*.

- Shire of Shark Bay Local Planning Scheme No 4 – The lot is reserved for public purpose – infrastructure services.

POLICY IMPLICATIONS

There are no policies applicable to the development.

The Western Australian Planning Commission Planning Bulletin No 94 explains approval requirements for public works and development by public authorities.

The Bulletin identifies the Water Corporation as a public authority as it *'carries out a public utility for the benefit of the state under a written law'*.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for planning advice.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

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RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

9 November 2018

28 November 2018

14.0 BUILDING REPORT

There are no building reports for November 2018 Ordinary Council meeting.

15.0 WORKS REPORT

There are no works reports for November 2018 Ordinary Council meeting.

16.0 TOURISM, RECREATION AND CULTURE REPORT

16.1 SHARK BAY ENTERTAINERS

GS00001

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Burton

Seconded Cr Cowell

Council Resolution

That Council approve the Shark Bay Entertainer's request for a variation of their 2018 Community Assistance Grant to be spent on the installation of a black back-drop curtain and installation of handrails to back-stage steps of the Community Hall Theatre and Stage area.

6/0 CARRIED

BACKGROUND

The Shark Bay Entertainers formed an integral part of the successful Shark Bay Rendezvous Festival in 2018. Being one of eight community groups, they applied for a Community Assistance Grant of \$5,000 to support their efforts in providing a re-enactment of the landing of Louis and Rose de Freycinet.

The total expenditure of the grant was \$3,940 leaving a balance of \$1,060.

COMMENT

The Shark Bay Entertainers have submitted a request for a variation to the 2018 Community Assistance Grant and are seeking Council approval to spend the \$1,060 balance on purchasing a black back-drop curtain to go over the newly installed white projection wall at the rear of the stage and to install handrails to the two rear stage steps.

LEGAL IMPLICATIONS

There are no legal implications relating to this report.

POLICY IMPLICATIONS

There are no policy implication relating to this report

FINANCIAL IMPLICATIONS

To allow the Shark Bay Entertainers to spend the remaining funds of \$1,060 on items outlined in this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

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STRATEGIC IMPLICATIONS

OUTCOME 3.1.2 Encourage inclusion, involvement and wellbeing.

RISK MANAGEMENT

There are no risks associated with this item.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Butterly

Chief Executive Officer

P Anderson

Date of Report

19 November 2018

28 November 2018



Denham, 11 November 2018

To the CEO of the Shire of Shark Bay

Please find attached our acquittal for the 2017-2018 Grant Round 2 for the Festival de Freycinet Project.

The total amount of the grant was \$5,000. The total spent on our project was \$3,940 as we were able to source some props from local business and locals, who showed support and supplied these free of charge.

This leaves a balance of \$1,060. We would like to ask for a variation to the original grant application and we seek approval from Council to spend the remaining grant funds towards further Town Hall stage upgrade, for eg. Railing & black curtains to go across the back of the stage.

Thanking you in advance for your understanding.

Derek Weston
Chairperson – The Shark Bay Entertainers

The Shark Bay Entertainers
Po Box 28 / co P&D Weston
Denham, Shark Bay WA 6537
m: 0402 464 204 (Kevin)

Chairperson: Derek Weston
Vice chairperson: John Senteneller
Treasurer: Patricia Weston
Secretary: Rosemary Lewis

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16.2 SHARK BAY YOUTH GROUP ASSOCIATION INCORPORATED – COMMUNITY HALL
CS00003

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

Subject to Council Policy 1 – ‘Recreation and Culture’ that Council considers and gives the administration direction on the appropriate location for exclusive one-off use by individuals or groups on Shire foreshore amenities; And

That Council agree to support the request by the Shark Bay Youth Group for the use of the Community Hall on Sunday 14 April 2019.

Moved Cr Bellottie

Seconded Cr Burton

Council Resolution

That Council suspend Standing Orders clause 9.5 Limitation on number speeches to be suspended at 4.16pm for open discussion on item 16.2 Shark Bay Youth Group Association Incorporated – Community Hall.

6/0 CARRIED

Moved Cr Capewell

Seconded Cr Burton

Council Resolution

That Council reinstate Standing Orders at 4.28 pm.

6/0 CARRIED

AMENDMENT TO OFFICERS RECOMMENDATION

Reason: Council considered that only the area designated as George Wear Park on the foreshore should be made available for hire to exclusive private use and included this as part of the resolution.

Moved Cr Capewell

Seconded Cr Bellottie

Council Resolution

Subject to Council Policy 1 – ‘Recreation and Culture’ that Council considers and gives the administration direction on the appropriate location for exclusive one-off use by individuals or groups on Shire foreshore amenities;

And

28 November 2018

That Council agree to support the request by the Shark Bay Youth Group for the use of the Community Hall on Sunday 14 April 2019.

That the only area on the foreshore to be made available for hire for exclusive private use by individuals or groups is the section designated as George Wear Park.

6/0 CARRIED

BACKGROUND

The Chairperson of the Shark Bay Youth Group has advised the administration of the proposed Youth Week program.

COMMENT

National Youth Week 2019 is from Monday 15 - Friday 20 April, being the first week of the school holidays.

The Shark Bay Youth Group are seeking support from Council to conduct programs over the weekend of the 13th and 14th of April leading into the 2019 Youth Week of 15-20 April. The Youth Group have requested free-of-charge use of:

- Saturday 13 April, Denham foreshore – scavenger hunt and snack bar sales
- Saturday 13 April, Denham foreshore – photography competition and snack bar sales
- Sunday 14 April, Community Hall – breakfast
- Sunday 14 April, Community Hall – bake off

The Chairperson of the Youth Group has used the Community Hall many times over the years and understands its appliances capability, however Shire staff question as to whether the Community Hall kitchen has the capability to support a 'Bake Off' competition with only one stove/oven for the proposed twelve teams of four participants each.

Council should consider the Recreation and Culture Policy (1) Section 2, where bookings '*are to be made no earlier than eight weeks before the date of the function (*event)*' before agreeing to support the Youth Group's request.

LEGAL IMPLICATIONS

There are no legal implications relating to this report.

POLICY IMPLICATIONS

1. Recreation and Culture

Standard Conditions for Hire of Halls and Equipment

Purpose

To set out the standard conditions applicable for hire of halls and equipment under the Shire's care, control and management.

Detail

General

1. Use of the hall for fund raising activities is to be made available to as many local organisations as practicable and monopolising of prime hall booking times by any

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organisation is to be avoided when there are other organisations seeking to use the hall.

2. Bookings for cabarets, dances or similar functions are to be made no earlier than eight weeks before the date of the function. Where a second application is received within one week, the Chief Executive Officer shall decide the successful applicant after having regard to paragraph (1).
3. Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer.
4. The CEO may develop standard application forms, approve applications for use and may impose additional conditions or vary those set out below depending upon circumstances relevant to the particular facility or event to be held.

FINANCIAL IMPLICATIONS

Under the Shire of Shark Bay – Fees and Charges 2018/19 Venue Hire – Over 5 hours - \$158.00 Per Day.

This does not include the costs of cleaning, utilities or maintenance.

The Shark Bay Youth Group have indicated they are applying for a Youth Week WA Grant and have been encourage to include the cost of venue hire as part of any Youth Group grant applications, thereby ensuring the Shire recovers costs associated with such use.

STRATEGIC IMPLICATIONS

Social Objective: 3.1.2

Encourage inclusion, involvement and wellbeing.

RISK MANAGEMENT

The Shark Bay Youth Group Association will provide an updated Insurance policy to the Shire Administration.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Butterly

Chief Executive Officer

P Anderson

Date of Report

19 November 2018

28 November 2018

Paul Anderson
Chief Executive Office
Shire of Shark Bay
Knight Terrace
DENHAM WA 6537

14th November 2018

Dear Paul,

I am writing to seek the support of the Shire of Shark Bay for Shark Bay Youth Group to hold events during 2019 National Youth Week.

These events will occur on Saturday 13th and Sunday 14th April 2019.

Shark Bay Youth Group intends to apply for funding through the Department of Communities to host a Scavenger Hunt, a Photography Competition, a Shark Bay Youth Summit Breakfast and a Bake Off.

I have attached more information of each event, including our costing breakdowns for your information.

We are seeking the support of the Shire of Shark Bay for the following:

- Use of the Denham Foreshore to set up a start and finish station for the Scavenger Hunt on Saturday 13th April 2019. We will also be selling snack bar items.
- Use of the Denham Foreshore to set up a start and finish station for the Photography Competition on Saturday 13th April 2019. We will also be selling snack bar items.
- Use of the Shire Hall to host our Shark Bay Youth Summit Breakfast on Sunday 14th April 2019.
- Use of the Shire Hall to host our Bake OFF on Sunday 14th April 2019.

Are you able to confirm if we can use these venues free of charge?

The Youth Week WA Grants Program 2019 closes on the 6th December 2019. Are you able to reply to us by the end of November so we can finalise our grant application and have it submitted before the due date?

Looking forward to your reply,


Rebecca Moroney

Chairperson
Shark Bay Youth Group Association Incorporated

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2019 National Youth Week 13th - 20th April 2019

Friday 12th April 2019 - last day of Term 1

Saturday 13th April 2019

Scavenger Hunt

- The benefits of a scavenger hunt include exercising both the mind and the body, developing problem solving skills, getting to know your environment and promoting social interaction. All these benefits showcase youth and allow the community to see them out and about. This gives the wider community the opportunity to see the positive contributions our youth make to their town.
- Cost: Entry is \$2 per participant (they will need this \$2 to purchase an item from the shop to tick the item off their list).
- Open to everyone. Younger children will need an adult to supervise/help read.
- Time: start at 10am, finish at 11.30am
- Location: Knight Terrace, Denham plus destinations within walking distance.
- Prize - every contestant that finished the scavenger hunt receives an icy pole.
- Final destination Denham Foreshore, Knight Terrace.
- Shark Bay Youth Group to sell drinks and snack bar items

Cost Breakdown Scavenger Hunt List - photocopying costs, 2 x A4 sheets per person, expected participants is 100.(50 double sided = \$22.50)

	\$45.00
Pencils x 100	\$27.95
Environmentally friendly calico bag x 100	\$168.82
Icy Poles x 100	\$28.00

	\$269.77 (inc. GST)
--	---------------------

IN KIND

Organising 4 hours @ \$20/hour	\$80.00
Running the event 1.5 hours @ \$20/hour	\$30.00

28 November 2018

Saturday 13th April 2019

Photography Competition

- Taking photo's allows a person to document their journey through life, it affords immortality, it is a wonderful stress reliever, it inspires imagination, it is safe activity that has no age barriers and it is a great self-esteem booster. This activity will allow participants to capture THEIR TOWN in THEIR OWN IMAGE. By providing this activity we are celebrating our young people and what they can do.
- Cost - Free Event
- Open to everyone aged 5 - 25.
- Time: 12pm to 1pm is take photos time, 1pm - 2pm is printing and judging
- Location: Knight Terrace DENHAM
- Prize - photo frame. Assorted categories.
- Entrants must have their own device to take a photo on. The device must be able to be plugged into the printer.
- Photo's must be taken on the Denham Foreshore.
- Photo's can be of something in nature, or a person (with their permission)

Costing Breakdown

Photo paper & ink x 100 photo's	\$39.00
Prizes - photo frames x 20 @ \$2 ea	\$40.00

TOTAL COST	\$79.00 (inc. GST)

IN KIND

Organising 2 hours @ \$20/hour	\$40.00
Running the event 2 @ \$20/hour	\$40.00

28 November 2018

Sunday 14th April 2019

Shark Bay Youth Summit

- The aim of the summit is to bring Shark Bay youth together to discuss issues important to them and to directly express their opinions to key stakeholders of Shark Bay.
- All Shark Bay Youth Group youth members will be invited along with 30 community members of Shark Bay.
- SBYG youth members will discuss issues important to them at Youth Group sessions. Youth will then present a small speech on some of the relevant issues.
- Brunch (bacon, scrambled eggs, hash browns, mushroom, toast, spaghetti, baked beans, fried tomato, fruit platter, juice, tea & coffee)
- Venue: Shark Bay Shire Hall
- Time: 9am - 11am

Costing

Catering Costs for 60 people \$300.00 (inc.GST)

IN KIND

Organising 2 hours @ \$20/hour \$80.00

Running the event 3 hours for 2 people @ \$20/hour \$120.00

28 November 2018

Sunday 14th April 2019

Bake OFF

- The benefits of youth learning to cook are many. Youth who can cook develop confidence and self-assurance, and a greater understanding of the world in a range of ways. Teaching youth to cook has many learning outcomes; science and chemistry (why do cakes rise?), measurement and volume, spelling, nutrition, and cultural studies. There's nothing like a sense of achievement to improve self-esteem. Cooking is a great way to boost the youth's confidence as the results are quick.
- This activity is also a great way to get our Seniors involved in their community. By pairing our Seniors with our Youth, we are able to forge new friendships and community spirit.
- Cost: Free event
- Venue: Shark Bay Shire Hall
- Time: 1pm - 3pm
- Teams of 4 (must be 3 youth aged 10 - 25 and 1 Senior Citizen aged over 55).
- Maximum of 12 teams.
- Teams must register prior to the event (a couple of weeks before hand, date to be decided).
- Prizes: 1st = \$80 cash, 2nd = \$40 cash, 3rd = \$20 cash.

Costing

Printing recipes (A4 black & white 40c each)	
(12 stations x 1 recipe each) = 12 x \$0.40	\$4.80
Ingredients	\$272.24
Prizes (1 st = \$80, 2 nd = \$40, 3 rd = \$20)	\$140.00

	\$417.04 (inc. GST)

IN KIND

Organising 2 hours @ \$20/hour	\$40.00
Running the event 3 hours @ \$20/hour	\$60.00

28 November 2018

TOTAL COSTING FOR ALL EVENTS

Scavenger Hunt	COST	\$269.77
Photography Competition	COST	\$79.00
SBYG Youth Summit	COST	\$300.00
Bake OFF	COST	\$417.04
FREIGHT	COST	\$200.00
INCIDENTALS	COST	\$100.00

\$1365.81 (inc. GST)

Inkind

Shark Bay Youth Group (organising & running the events)	\$490.00
Shire of Shark Bay (Hall Hire, Foreshore Use)	\$258.00 *

* to be confirmed

Department of Communities - Youth Week WA Grant Program 2019
- we will be applying for \$1000.00 (excluding GST)

Shark Bay Youth Group to cover the remaining costs

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16.3 SHARK BAY YOUTH GROUP ASSOCIATION INCORPORATED – SHARK BAY RECREATION CENTRE
CS00003

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Impartiality Interest as item discusses use of Shark Bay Recreation Centre which her employer is contracted to manage.

Moved Cr Burton

Seconded Cr Fenny

Council Resolution

That Council suspend Standing Orders clause 9.5 Limitation on number speeches to be suspended at 4.32pm for open discussion on Item 16.3 Shark Bay Youth Group Association Incorporated – Shark Bay Recreation Centre.

6/0 CARRIED

Moved Cr Burton

Seconded Cr Laundry

Council Resolution

That Council reinstate Standing Orders at 4.44 pm.

6/0 CARRIED

Officer Recommendation

Subject to Council Policy on 'Recreation and Culture' section 3 – '*Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer*' that Council agrees to sponsor the Shark Bay Youth Group Association Inc., in their request for free-of-charge use of the Shark Bay Recreation Centre, kitchen, meeting room and equipment for Youth Group Sessions every second Friday throughout school terms starting Week 1 Friday 8 February to Week 9 Friday 13 December 2019 (20 weeks);

And

That Council note the request from the Youth Group for a long-term booking of every Thursday night over forty weeks throughout 2019, and advise the applicant that exclusive long term use free of charge of the Council Facility undermines the intent of the 'Recreation and Culture' Policy;

And

That Council Policy 1 "Recreation and Culture" to replace the term 'hall' with the term 'all of Shire' facilities; and that the term 'events' be added with the term 'function'.

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AMENDMENT TO OFFICERS RECOMMENDATION

Reason: Council in consideration of the review in 2019 of the Shark Bay Recreation Centre Management contract with the Shark Bay Community Resource Centre did not agree to a long term booking.

Moved Cr Burton
Seconded Cr Bellottie

Council Resolution

Subject to Council Policy on ‘Recreation and Culture’ section 3 – ‘Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer’ that Council agrees to sponsor the Shark Bay Youth Group Association Inc., in their request for free-of-charge use of the Shark Bay Recreation Centre, kitchen, meeting room and equipment for Youth Group Sessions every second Friday throughout school terms starting Week 1 Friday 8 February to Week 9 Friday 13 December 2019 (20 weeks);

And

That Council approve the use free of charge of the Shark Bay Recreation Centre Courts by the Shark Bay Youth Group for Dodgeball on Thursday nights from 6.30pm to 7.45pm, or such time as agreed with the Shire Administration and the Managers of the Centre for the duration of the first school term of 2019, any further bookings beyond the first term need to be confirmed by Council.

And

That Council Policy 1 “Recreation and Culture” to replace the term ‘hall’ with the term ‘all of Shire’ facilities; and that the term ‘events’ be added with the term ‘function’.

6/0 CARRIED

BACKGROUND

Over the past two years, the Shire has provided support to young people in Shark Bay through the following programs:

Shark Bay Youth Group - Recreation Centre Council Sponsorship

In 2017 and 2018, Council supported an application by the Youth Group Inc., for the use of the Recreation Centre facility every second Friday night during school terms.

Under the Shire of Shark Bay – Fees and Charges 2017/18 Venue Hire, the cost of ‘Long-term Seasonal Users’ Community Groups (Shark Bay domiciled) is:

- Weekly Fee - \$426.30 – as per Fees and Charges
- Annual Fee - \$840 – as per Fees and Charges

The Youth Group also have free use of the Community Hall for a two-day 40 hour famine Backpack Challenge – a facilities charge of \$158 per day.

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Work experience

School- to- work transitions working with the School of Isolated Distant Education (SIDE) and the Shark Bay School in opening up a number of Work Experience placements, such as:

- Three student work experience placements in administration, tourism and community development
- An official on-the-job 18 month student Traineeship at the Depot.
- Casual employment and training opportunities for 17 – 18 year olds (Year 11 & 12's)
- Volunteering opportunities (Festival Community Hosts)

Supported the Shark Bay Youth Group in Community Grants

2017 – \$3,800 Community Assistance Grant– Leadership Camp

2018 – \$4,620 Community Assistance Grant - French Festival Stall

National Youth Week

The Shire of Shark Bay facilitate a National Youth Week event every year, this event is part funded with up to \$1,000 through the Department for Communities, and the rest of the funding approx. \$4,000 is provided by the Shire of Shark Bay. The planning, coordination and implementation of the National Youth Week event is undertaken by the Community Development Officer through consultation with local young people.

General support

The Community Development unit has at 'top-of-mind' that through a range of general community activities, the Youth Group Inc., is given the opportunity to raise additional funds through the sale of Sausage Sizzles, snacks and drinks by ensuring they are first port of call to take up such fundraising opportunities. Example – the Clontarf Football Academy football match and various community events throughout the year.

Overall, over the past two years of the Youth Group's development, in addition to staff costs, the Shire has sponsored the Youth Group at an approximate cash value of around \$15,000, however this does not include employee or utilities costs.

Until mid-2018, dodgeball had formed part of the Community Resource Centre's Thursday night recreation program until they determined that it was unsafe for young children to be walking home unsupervised after dark.

As a result of this change in the dodgeball program, the Shark Bay Youth Group Inc., re-introduced Thursday night (6.30pm-7.45pm) dodgeball with participants being charged a \$2 fee. It is reported that up to as many as 30 children attend dodgeball.

As part of the sports program, the Shark Bay School only allows dodgeball activities to be conducted for Secondary students each Friday afternoon at the Recreation Centre and under the supervision of senior staff.

In support of the Community Resource Centre's decision and in the interests of child-safety around limitations on night-time supervision, Shire administration has requested that the Community Resource Centre under its Management Agreement with the Shire, re-introduce dodgeball as an activity during day-time hours only.

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COMMENT

The Shark Bay Youth Group Inc., are again seeking Council support for free and full use of the Shark Bay Recreation Centre, kitchen, meeting room, courts (including all equipment) for Youth Group Sessions every second Friday during school terms throughout 2019 amounting to 20 weeks.

In addition to the above, the Youth Group is also requesting free access to the Courts every Thursday evening from 6.30pm – 7.45pm to run dodgeball for 8 year olds and above, for 40 weeks throughout 2019.

The feasibility of long-term bookings of the Shark Bay Recreation Centre resulted in conflict in this year whereby requests by the Shire administration, Shark Bay Community Resource Centre and other community groups to use the facilities for planning of a significant Shire-funded event, was met with inflexibility demonstrated by demands of having 'exclusive use' linked to having long-term booking of the Centre facilities.

Copies of correspondence available under separate cover.

When deciding support of the Youth Group's requests for use of the Shark Bay Recreation Centre for two nights throughout the year, Council needs to consider maintaining flexibility for one-off booking requirements of other community groups or visiting professionals.

LEGAL IMPLICATIONS

There are not legal implications relating to this report.

POLICY IMPLICATIONS

1. Recreation and Culture

Standard Conditions for Hire of Halls and Equipment

**(Under a revised Policy, this could include the term all of Shire facilities)*

Purpose

To set out the standard conditions applicable for hire of halls and equipment under the Shire's care, control and management.

Detail

General

5. Use of the hall for fund raising activities is to be made available to as many local organisations as practicable and monopolising of prime hall booking times by any organisation is to be avoided when there are other organisations seeking to use the hall.
6. Bookings for cabarets, dances or similar functions are to be made no earlier than eight weeks before the date of the function **(or event)*. Where a second application is received within one week, the Chief Executive Officer shall decide the successful applicant after having regard to paragraph (1).
7. Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer.

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8. The CEO may develop standard application forms, approve applications for use and may impose additional conditions or vary those set out below depending upon circumstances relevant to the particular facility or event to be held.

**Policy review*

FINANCIAL IMPLICATIONS

Under the Shire of Shark Bay – Fees and Charges 2018/2019 Venue Hire, the cost of 'Long-term Seasonal Users' Community Groups (Shark Bay domiciled) is:

- Once a week - \$427.00 – or twice or more a week annual charge of \$840

This does not include the costs of, cleaning, maintenance or utilities.

There is potential to discuss with the Shark Bay Youth Group Association that they consider applying for grant(s) that allows cover of 'room hire' thereby the Shire recovers costs associated with such long-term use.

STRATEGIC IMPLICATIONS

Social Objective: 3.1.2

Encourage inclusion, involvement and wellbeing.

RISK MANAGEMENT

The Shark Bay Youth Group Association will provide an updated Insurance policy to the Shire Administration.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Butterly

Chief Executive Officer

P Anderson

Date of Report

20 November 2018

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Recreation and Culture
Standard Conditions for Hire of Halls and Equipment

Purpose

To set out the standard conditions applicable for hire of halls and equipment under the Shire's care, control and management.

Detail

General

9. Use of the hall for fund raising activities is to be made available to as many local organisations as practicable and monopolising of prime hall booking times by any organisation is to be avoided when there are other organisations seeking to use the hall.
10. Bookings for cabarets, dances or similar functions are to be made no earlier than eight weeks before the date of the function. Where a second application is received within one week, the Chief Executive Officer shall decide the successful applicant after having regard to paragraph (1).
11. Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer.
12. The CEO may develop standard application forms, approve applications for use and may impose additional conditions or vary those set out below depending upon circumstances relevant to the particular facility or event to be held.

Denham Town Hall

Standard conditions applicable for hire of the Denham Town Hall are set out below.

1. Special Equipment

Within the Hall there is technical equipment for which a potential user requires certain expertise/training to effectively utilise this equipment:

- Film projection equipment
- Musical equipment, eg amplifiers, mixers, microphones, etc

This equipment will not be available for use unless the hirer is authorised by the Shire or the regular users groups responsible for that equipment.

2. Conditions Pertaining to the Hire of the Hall

- a. The hirer shall pay the Shire of Shark Bay the hire fee in accordance with the Schedule of Fees and Charges which includes a bond which will be returned only if the premises is cleaned to the satisfaction of the Shire or its nominee. Default in any respect will mean forfeiture of all or part of the bond. The Shire is to be the arbiter in case of a dispute.
- b. The cleaning of the Hall shall include not only the venue, but all amenities associated with the building hired, including the immediate surroundings, together with the removal from the premises of all surface refuse.
- c. The hirer agrees to abide by the following conditions and pay all expenses caused by any default hereunder -
 - i. Not to alter any fixtures or design of the premises being hired, including its immediate surroundings, without first obtaining the written consent of the Shire.

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- ii. At the expiration of the hiring to take all things which may have been brought into the hired premises and to replace all previously placed equipment in its correct position.
 - iii. Not to leave on any electric lights, power appliances or taps running on the premises, including its immediate surroundings, once hiring has ceased.
 - iv. Not to damage any part of the hired premises or its immediate surroundings, as well as agreeing to repair and be responsible for the repair of all damage which may be caused to the hired premises or its immediate surroundings.
 - v. Not to use the hired premises for any illegal or immoral purposes or for any purpose other than the said purpose in addition to not allowing to be done, or to do, any act or thing which may prejudice any insurance over the premises or become a nuisance, damage, annoyance or an inconvenience to occupiers of any adjoining building.
 - vi. To ensure that the appropriate licence is obtained for the sale of alcohol and the rules and regulations, as provided by the *Liquor Licensing Act (1988)*, are adhered to.
 - vii. Music utilised in association with the hire of the said premises may be in breach of the Australian Copyright Act (1968) unless the hirer acquires the appropriate licence as specified by the Australian Performing Right Association.
 - viii. To comply with all statutes, Bylaws, Local Laws or Regulations relating to hired premises or the use thereof, and any order or requisition made there under.
- d. The hirer shall comply with any lawful directions which may be given by the Shire and that the Shire reserves the right to grant, or refuse hire applications, or cancel a hiring and return the deposit as it thinks fit and shall be the final authority in this respect.
 - e. The hirer shall indemnify the Shire of Shark Bay against any claim, loss or expense which may be made or arise as a result of the use of the hired premises.

Marquee hire

1. The hirer will pay in advance the hire charge and deposit set in the Shire of Shark Bay's Fees and Charges current for that year.
2. The hirer is responsible for public liability for the event being held and will provide the Shire with a proof of Public Liability Insurance.
3. Emergency Exit signs provided with marquee hire are to be placed over the two exit doors.
4. Fire extinguishers supplied with the marquee to be placed within 4 metres of exit doors. Empty extinguishers are to be replaced by hirer.
5. No barbeques or any other cooking device to be placed within the marquee.

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6. At an estimated wind velocity of over 50 km per hour the marquee should be monitored for structural stability and dismantled if deemed necessary.
7. The marquee is to be inspected by Shire Officers for damage and cleanliness prior to dismantling by the community group or individual hirer.
8. Community Groups may, on application to the Shire, have the erection and dismantling fees reduced to 25% for one event per financial year.
9. Community Groups may, on application to the Shire, have the erection and dismantling fees reduced to 50% for second and subsequent events per financial year and;
10. The Marquee be erected and dismantled by Council Staff only.

Applicable legislation

Act	
Regulation	
Local Law	Shire of Shark Bay Local Government Property Local Law
Other	

Adopted by Council on:	24 September 2014

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16.4 AUSTRALIA DAY NOMINATIONS 2019
RC00012

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Impartiality Interest

Officer Recommendation

1. That Council notes that the Shire administration has not paid the \$550 fee to the Australia Day Council towards the 2019 Australia Day Awards.
2. That Council consider the following options:
 - a. That Council nominate a community member to receive a Shark Bay Australia Day Certificate of Appreciation, or
 - b. Implement a Council selection-committee, promote a Shark Bay – Australia Day Award and seek nominations from the community.

Moved Cr Bellottie

Seconded Cr Fenny

Council Resolution

1. **That Council notes that the Shire administration has not paid the \$550 fee to the Australia Day Council towards the 2019 Australia Day Awards.**
2. **That Council:**
 - a. **That Council nominate a community member to receive a Shark Bay Australia Day Certificate of Appreciation at the December 2018 meeting of Council.**

6/0 CARRIED

BACKGROUND

Each year the Shire of Shark Bay has asked for nominations for the Premiers Australia Day Awards. In 2015 the award system changed and it was renamed the WA Citizen of the Year Award.

The Australia Day Council also implemented a fee structure for being a part of the award process. The fees are from \$550 each year for a Council to participate. The payment of the fee entitles Council to official certificates for the nominated winners of each award, a medallion for each winner and assistance with Australia-wide advertising for the presentation ceremony. The Shire of Shark Bay administration has opted out of being part of the structured Australia Day Council awards.

Nominations for Australia Day 2018 were received after Council encouraged community members and groups to submit nominations for local identities from the community in December 2017. A subcommittee of Council members met in early January to assess and nominate Australia Day Awards.

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The number of nominations received in 2017 for the 2018 event was much higher than in previous years, this increased interest in the event indicates that the community are still in support of having the nomination process for an award on Australia Day. In previous years Council has received only one and sometimes no nominations at all from each of the three categories. Due to limited population, there have been the same people nominated each year.

COMMENT

The nominations are based on a person's contribution to the well-being and support to the community. Council also recognises these contributions through the Thank a Volunteer event held each year in December. As is the practice, the Community Development team has planning in place to facilitate the opportunity for Council to host a BBQ breakfast on the morning of Australia Day 26 January, 2019.

This year, the Shire administration has outsourced the organisation of the Shark Bay Australia Day Awards to the Community Resource Centre who will project manage all the requirements in showcasing this event on behalf of Council.

LEGAL IMPLICATIONS

There are no legal implications related to this report

POLICY IMPLICATIONS

There are no policy implications related to this report

FINANCIAL IMPLICATIONS

Up to \$1,500 has been budgeted towards the cost of the Australia Day Breakfast in 2019.

STRATEGIC IMPLICATIONS

Outcome 3.1 Existing strong community spirit and pride will be fostered, promoted and encouraged.

RISK MANAGEMENT

There is no risk associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	L Butterly
Chief Executive Officer	<i>P Anderson</i>
Date of Report	15 November 2018

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17.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no motions of which previous notice have been given for the November Ordinary Council meeting.

18.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

The gallery member left Council Chamber at 4.58pm.

19.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Burton
Seconded Cr Fenny

Council Resolution

That the meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 for Council to discuss matters of a confidential nature.

6/0 CARRIED

19.1 MANAGEMENT CONDITIONS OF RESERVE 50101 EDEL LOCATION 106 RES50101

Author

Chief Executive Officer

Disclosure of Any Interest

Declaration of Interest: Cr Bellottie

Nature of Interest: Impartiality Interest as a member of the Malgana people

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution

That the confidential report by the Chief Executive Officer regarding the management conditions of Reserve 50101 Edel Location 106 be considered and that Council provide direction to the administration.

6/0 CARRIED

Cr Bellottie left Council Chamber at 5.12 pm.

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution

The administration be requested to consult with the Native Title Claimant Group (the Malgana people) to ascertain their preferred location for a 1.5 ha area of land to be set aside on Reserve 50101 in accordance with the Management Order for the purposes of Aquaculture and Associated Tourism.

5/0 CARRIED

Cr Bellottie returned to Council Chamber at 5.16pm

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19.2 MONKEY MIA DOLPHIN MANAGEMENT REVIEW
P4342

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as employee of the Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Services.

Moved Cr Burton
Seconded Cr Fenny

Council Resolution

That the Council consider and provide comment on the confidential report by the Chief Executive Officer regarding the Review of the Management of the Monkey Mia Provision Programme undertaken by the Department of Biodiversity, Conservation and Attractions.

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Burton

Council Resolution

That the item lay on the table for further consideration until the December 2018 Ordinary Council meeting and after the review of Council's Local Laws relating to the Monkey Mia Jetty.

6/0 CARRIED

19.3 PURCHASE OF NEW SHIRE VEHICLES
CM00065

AUTHOR

Works Manager / Town Supervisor

DISCLOSURE OF ANY INTEREST

NIL

Moved Cr Burton
Seconded Cr Laundry

Council Resolution

That Council consider the recommendation submitted by the Works Manager in the confidential report regarding Purchase of the new Shire vehicles.

6/0 CARRIED

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Moved Cr Laundry
Seconded Cr Capewell

Council Resolution

That Council accept the quotation from Geraldton Toyota for the supply of two new Dual Cab vehicles with automatic transmissions and the trade of the following Council vehicles;

- a. **Ford Ranger Dual Cab Chassis 4x4 Manual, 3.2L Five cylinder Turbo Diesel registration 1GDH387**
- b. **Toyota Hilux SR Dual Cab Chassis 4x4 Manual 2.8 Four Cylinder Turbo Diesel Registration 1GNZ026**

6/0 CARRIED

19.4 NEW TOWN OVAL BORE
RES36163, P4027, WM00004, FM00017

Author

Works Manager

Disclosure of Any Interest

Nil

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution

That Council consider the recommendation submitted by the Works Manager in the confidential report regarding the new Town Bore.

6/0 CARRIED

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution

That Council note the Tender Documentation including the Scope of Works and Specifications for the construction of a new Town Oval Bore and the decommissioning of the old town bore developed in accordance with Councils resolution of April 2018.

That Council instruct the administration to proceed with a tender process for presentation and consideration by Council at a future meeting for the construction of a new Town Bore and the decommissioning of the current town bore for scheduled commencement in 2019 following determination and notification of the grant application from the Department of Local Government, Sport and Cultural Industries.

6/0 CARRIED

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Moved Cr Burton
Seconded Cr Laundry

Council Resolution

That the meeting be reopened to the members of the public.

6/0 CARRIED

20.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 19 December 2018, commencing at 3.00 pm.

21.0 CLOSURE OF MEETING

As there was no further business the President closed the Ordinary Council meeting at 5.45 pm.