



NOTICE OF MEETING

Dear Councillors

I respectfully advise that the SPECIAL COUNCIL MEETING will be held in Council Chambers, York Town Hall, York on Monday, 18 August 2025, commencing at 4:30PM.

MEETING AGENDA ATTACHED

CHRIS LINNELL
CHIEF EXECUTIVE OFFICER
Date: 15 August 2025

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Any decisions made at a Meeting can be revoked in accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*. Therefore, members of the public should not rely on any recommendations in an Agenda or a decision made at a Meeting until formal notification in writing from the Shire of York has been received.



Local Government Act 1995**Part 1 Introductory Matters**

1.3. Content and intent

- (1) This Act provides for a system of local government by —
 - (a) providing for the constitution of elected local governments in the State;
 - (b) describing the functions of local governments;
 - (c) providing for the conduct of elections and other polls; and
 - (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.
- (2) This Act is intended to result in —
 - (a) better decision making by local governments;
 - (b) greater community participation in the decisions and affairs of local governments;
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.

Part 2 Constitution of Local Government**Division 2 Local Governments and Councils of Local Governments**

2.7 The Role of Council

- (1) The council governs the local government's affairs and, as the local government's governing body, is responsible for the performance of the local government's functions.
- (2) The council's governing role includes the following —
 - (a) overseeing the allocation of the local government's finances and resources;
 - (b) determining the local government's policies;
 - (c) planning strategically for the future of the district;
 - (d) determining the services and facilities to be provided by the local government in the district;
 - (e) selecting the CEO and reviewing the CEO's performance;
 - (f) providing strategic direction to the CEO.
- (3) For the purpose of ensuring proper governance of the local government's affairs, the council must have regard to the following principles —
 - (a) the council's governing role is separate from the CEO's executive role as described in section 5.41;
 - (b) it is important that the council respects that separation.
- (4) The council must make its decisions —
 - (a) on the basis of evidence, on the merits and in accordance with the law; and
 - (b) taking into account the local government's finances and resources.
- (5) The council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.
- (6) The council has the other functions given to it under this Act or any other written law.

Meetings generally open to the public

- 5.1.** (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;

- (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



G10 PUBLIC QUESTION TIME

Policy Statement

1. "Public Question Time" will be limited to 15 minutes*. However, Council may exercise its discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted, members of the public are to submit their questions in writing to the Chief Executive Officer who will provide a written reply with the response placed in the Agenda of the next Ordinary Meeting of the Council.

**A minimum of 15 minutes is provided by Regulation 6(1) of the Local Government (Administration) Regulations 1996 (S.5.24 of the Local Government Act 1995)*

2. Questions may be asked at an Ordinary Council Meeting on any matter affecting Council and the Shire's operations. Questions asked at Committee meetings are to relate to the function of that Committee. Questions submitted to Special Meetings are restricted to the subject matter of that meeting.
3. During Public Question Time each questioner is limited to two (2) questions. Statements or long preamble are not permitted. Where multiple questions are formed into one sentence or paragraph these will be separated into the individual questions. Subject to 1.0 above, if questions remain unasked at the expiration of the time allotted, a written reply with the response will be placed in the Agenda of the next Ordinary Meeting of the Council.
4. People are to put their questions in writing or in a prescribed form and submit them to the Chief Executive Officer prior to 10 am on the business day prior to the day of the meeting. This allows for an informed response to be given at the meeting. While oral questions are permitted at a meeting, these may be Taken on Notice and the response provided in the Agenda for the next Ordinary Meeting.
5. During a meeting, priority will be given to questions regarding matters on the agenda for the meeting and which are submitted in accordance with 4.0 above.
6. Every person who wishes to ask a question are to identify themselves and register with an Officer immediately prior to the meeting.
7. Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
8. The Presiding Member may answer the question or direct it to the Chief Executive Officer to answer. If the question is of a technical nature the Chief Executive Officer may direct a senior technical officer to answer the question.
9. There is no debate on the answers provided to questions.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
11. Public Question Time guidelines incorporating this policy have been prepared and include information on the other methods of enquiry available to members of the public to obtain information from the Shire. This information is available on the Shire's website [Council Meetings » Shire of York](#).

Question(s)

Name: _____

Organisation Name: _____
(if presenting on behalf of)

Council Meeting Date: _____

Item No. Referred To:
(If Applicable) _____

Write your question(s) as clearly and concisely as possible – lengthy questions may be paraphrased.

Note: Each questioner is limited to two (2) questions. Statements or long preamble are not permitted. Where multiple questions are formed into one sentence or paragraph these will be separated into the individual questions.

[illegible]

[illegible]

Signature: _____ **Date:** _____

OFFICE USE ONLY

Presented Meeting Date: _____ Item No: _____

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1 OPENING

1.1 Declaration of Opening

1.2 Acknowledgement / Disclaimer

The Shire President advises the following:

“The York Shire Council acknowledges the Ballardong people of the Noongar Nation who are the Traditional Owners of the country where this meeting is being held and recognise their continuing connection to land, water, sky and culture. We pay our respects to all these people and their Elders past, present and emerging.

In accordance with Regulations 14I and 14J of the Local Government (Administration) Regulations 1996, notice is given that this meeting is being video and audio recorded to facilitate community participation and for minute-taking purposes. By being present at a meeting, members of the public consent to the possibility that their image and voice may be recorded. Audio recordings are published on the Shire’s website following the meeting and may be released upon request to third parties.

Members of the public are reminded that, in accordance with Section 6.16 of the Shire of York Local Government (Council Meetings) Local Law 2016, nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the Presiding Member.

I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today can be revoked in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996. Therefore, members of the public should not rely on any decisions until formal notification in writing from the Shire has been received.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.”

1.3 Standing Orders

1.4 Announcement of Visitors

1.5 Declarations of Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No & Title	Nature of Interest (and extent, where appropriate)

1.6 Declaration of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No & Title	Nature of Interest (and extent, where appropriate)

1.7 Disclosure of Interests that may affect Impartiality

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No & Title	Nature of Interest (and extent, where appropriate)

2 ATTENDANCE

2.1 Members

2.2 Staff

2.3 Apologies

2.4 Leave of Absence Previously Approved

Cr Peter Wright - 1 August 2025 to 31 August 2025 inclusive

2.5 Number of People in the Gallery at Commencement of Meeting

3 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the *Local Government Act 1995* and Regulations. In addition to this the Shire's *Local Government (Council Meetings) Local Law 2016* states:

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.

- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have 2 minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.
- (11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

3.1 Written Questions – Current Agenda

3.2 Public Question Time

4 APPLICATIONS FOR LEAVE OF ABSENCE

5 PRESENTATIONS

5.1 Petitions

5.2 Presentations

5.3 Deputations

5.4 Delegates' Reports

6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

7 OFFICER'S REPORTS

SY097-08/25 ADOPTION OF GENERAL RATES AND MINIMUM PAYMENTS 2025/26

File Number: 4.9726

Author: Denise Gobbart, Finance Management Support

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 12 August 2025 (020825)

Disclosure of Interest: Nil

Appendices: Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Legislative

PURPOSE OF REPORT

The purpose of this report is for Council to revoke Resolution 020825 and consider and impose the general rates and minimum rates on rateable property within the Shire of York for 2025/26.

BACKGROUND

Council considered the Adoption of General Rates and Minimum Payments 2025/26 at its Special Council Meeting held on Tuesday 12 August 2025. However, the Rate in the Dollar (RiD) for Gross Rental Values (GRV) included in the recommendation, and thus Council Resolution 020825, was incorrect.

In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*, Resolution 020825 is required to be revoked and a new Resolution made. To correct that error, the report is represented in its entirety to Council with the correct RiD specified and the inclusion of the revocation requirements where applicable. The report otherwise remains unchanged.

Each year as part of the budget process, Council determines the rates and charges for the financial year. During this process, several evaluation exercises are conducted to help determine what level of rates to charge. The budget aims to achieve a balance between required services and improvement projects for the community, whilst keeping the rate increase to a minimum.

In framing the 2025/26 budget, consideration was given to the outcomes of the major strategic review adopted April 2025 (Council Plan 2025-2035 (CP) Resolution 130425). To give effect to the CP, the Long-Term Financial Plan (LTFP) adopted in May 2024 (Resolution 080524) determined a Consumer Price index (CPI) increase plus 2% increase to the RiD value should be applied to enable the Shire to meet its capital and operating outlays and to ensure delivery of quality services. In the 2025/26 financial year with CPI reported at 2.8% this would result in an increase of 4.8% to 2024/25 rates excluding growth and Landgate revaluations.

Last year, Council committed to a 5.4% RiD increase (excluding growth) in line with the yield expectation in the LTFP.

The valuation of property in the Shire of York, and all Western Australian local governments, is managed and conducted by the State Government's Valuer General, Landgate. Landgate valuers conduct independent and unbiased valuations of property. These are GRVs and Unimproved Values (UVs). The GRV is calculated every three (3) to six (6) years (depending on the local government) and UV every year.

These valuations are used by local governments, government agencies and emergency services as a basis to determine property rates, service charges and levies.

Council requested the Administration to draft the budget based on a 5.8% rate increase; however, through diligent oversight, the Administration were able to align the Rate in the Dollar (RiD) to the Long-Term Financial Plan (LTFP) target of 4.8%.

In addition, the significant financial impact of revaluations of UV rated properties undertaken by Landgate will enable Council to consider a RiD for UV rated properties less than the 4.8% RiD increase that was originally adopted in the LTFP, while still achieving the Shire's objectives and meeting the aspirations of the community.

The CPI over the last twelve (12) months has impacted expenditure for the local government and Officers have worked to reduce the impact of this on ratepayers while still meeting CP objectives. This has resulted in a recommended 4.8% RiD increase for GRV properties and no increase to the RiD for UV properties.

This can be further offset by the Rates Payment Incentive Scheme (if adopted by Council) that offers a 1.5% discount for payments made in full by the due date. Should ratepayers find difficulty in meeting their rates commitments, the ability to provide support still exists through Policy F10 – Financial Hardship – Rates - Charges.

COMMENTS AND DETAILS

Rates are calculated by using the GRV or UV provided by Landgate and multiplied by the RiD adopted by Council. Landgate values rural properties rated on an UV basis every year and properties rated on a GRV basis are revalued every three (3) to six (6) years. The last general GRV revaluation was carried out by Landgate for the 2022/23 rating year. Revaluations for UV properties were received in April 2025. Rating valuations are assessed as a 'snapshot in time' to reflect the property market for the district on the same date.

During August 2024, Landgate completed their rural assessments for all UV properties with the following comments:

"Total Valuation *\$595,674,600*

Average Overall Change *20.01%*

OVERALL VARIATION TO UNIMPROVED VALUATIONS

The analysis of sales at and around the date of valuation supports increasing unimproved values for broadacre agricultural properties and rural smallholdings across the shire. There is a small degree of variation in the unimproved values to improve co-ordination between some holdings."

If ratepayers have inquiries about the change to their UV valuations, they will be encouraged to contact Landgate to discuss on +61 (08) 9273 7373.

Whilst in the 2025/26 budget it may appear the Shire is generating additional revenue from rates above the proposed RiD changes, this variation is attributed to market conditions and growth as a result of new properties, i.e. subdivisions or properties with improvements since a previous valuation.

Minimum rates to be imposed on both UV and GRV properties are proposed not to increase in the 2025/26 Annual Budget remaining at \$1,395. Approximately 649 properties (24%) are expected to be minimum rated this year. This is consistent with the proportion last year and is below the threshold of 50% allowable under the *Local Government Act 1995*.

Based on the draft budget, it is proposed that the RiD for GRV will increase from \$0.141282 to \$0.148065 for the 2025/26 financial year. The RiD for UV will remain at \$0.007340.

IMPLICATIONS TO CONSIDER

Consultative

Landgate Valuation Services

WALGA

Moore Australia

Strategic

Council Plan 2025-2035

Pillar 5: Strong governance, responsive leadership

Community-informed, responsive leadership and strong governance

When setting the rates, Council considers what services and infrastructure are required and considers any strategic implications in accordance with the CP.

Policy Related

Not applicable

Financial

The 2025/26 budget includes expected rate revenue of \$8,944,151, which accounts for around 58% of the total revenue budgeted to be received by the Shire. The expected rates revenue includes the 1.5% discount for payments made in full by the due date. This report forms part of the 2025/26 Annual Budget and further information is disclosed in the notes forming part of the budget.

Legal and Statutory

Sections 6.32, 6.34 and 6.35 of the *Local Government Act 1995* are applicable and state:

“6.32. Rates and service charges

(1) *When adopting the annual budget, a local government —*

(a) *in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either —*

(i) *uniformly; or*

(ii) *differentially;*

(b) *may impose* on rateable land within its district*

(i) *a specified area rate; or*

(ii) *a minimum payment; and*

(c) *may impose* a service charge on land within its district.*

** Absolute majority required.*

(2) *Where a local government resolves to impose a rate it is required to —*

(a) *set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and*

(b) *set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.*

6.34. Limit on revenue or income from general rates

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

(a) *be more than 110% of the amount of the budget deficiency; or*

(b) *be less than 90% of the amount of the budget deficiency.*

6.35. Minimum payment

(1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*

- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
- (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.”*

Regulation 10 of the *Local Government (Administration) Regulations 1996* is applicable to the revocation or changing of decisions and states:

“10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,*
- inclusive of the mover.*
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Councillor Gibbs (Mover of Resolution 020825), Councillor Trent, Councillor Pyke and Councillor Smythe have confirmed their agreement to revoke Resolution 020825.

Risk Related

As with all annual budgets, there are a range of expenses that increase each year. In addition, the draft budget proposes increases in revenue generated from fees and charges and a rates incentive payment scheme, detailed further within the budget. Not increasing the rates could pose both a reputational and financial risk. After careful consideration and planning, the budget has been adapted giving attention to long term asset management and agreed levels of service.

There is a further risk that by not adopting the general rates and minimum payments, cashflow implications could arise and Shire operations, capital projects and infrastructure renewals proposed for 2025/26 could be jeopardised.

Workforce

Not applicable

VOTING REQUIREMENTS

Absolute Majority: Yes

RECOMMENDATION 1

That, with regard to Adoption of General Rates and Minimum Payments 2025/26, Council:

1. Resolves to revoke Resolution 020825 made at the Special Council Meeting held 12 August 2025 which states:

“That, with regard to Adoption of General Rates and Minimum Payments 2025/26, Council:

1. *Resolves to adopt a general rate in the dollar increase of 4.8% for Gross Rental Value rated properties and no increase for Unimproved Value rated properties for the 2025/26 financial year.*
2. *Resolves to impose the following general rates in accordance with Section 6.32 of the Local Government Act 1995:*
 - a. *Gross Rental Values of property – 14.1282 cents in the dollar*
 - b. *Unimproved Values of property – 0.7340 cents in the dollar*
3. *Resolves to impose the following minimum rates in accordance with Section 6.35 of the Local Government Act 1995:*
 - a. *\$1,395 per Gross Rental Value*
 - b. *\$1,395 per Unimproved Value”*

RECOMMENDATION 2

That, with regard to Adoption of General Rates and Minimum Payments 2025/26, Council:

1. Resolves to adopt a general rate in the dollar increase of 4.8% for Gross Rental Value rated properties and no increase for Unimproved Value rated properties for the 2025/26 financial year.
2. Resolves to impose the following general rates in accordance with Section 6.32 of the *Local Government Act 1995*:
 - a. Gross Rental Values of property – 14.8065 cents in the dollar
 - b. Unimproved Values of property – 0.7340 cents in the dollar
3. Resolves to impose the following minimum rates in accordance with Section 6.35 of the *Local Government Act 1995*:
 - a. \$1,395 per Gross Rental Value
 - b. \$1,395 per Unimproved Value

SY098-08/25 COUNCILLORS' SITTING FEES AND REMUNERATION 2025/26

File Number: 4.9726

Author: Denise Gobbart, Finance Management Support

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 12 August 2025 (060825)

Disclosure of Interest: Nil

Appendices: Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Legislative

PURPOSE OF REPORT

The purpose of this report is for Council to revoke Resolution 060825 and consider the proposed Councillors' Sitting Fees for 2025/26.

BACKGROUND

Council considered the Councillors' Sitting Fees for 2025/26 at its Special Council Meeting held on Tuesday 12 August 2025. However, the amounts included in the recommendation, and thus Council Resolution 060825, were incorrect.

In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*, Resolution 060825 is required to be revoked and a new Resolution made. To correct that error, the report is represented in its entirety to Council with the correct amounts specified and the inclusion of the revocation requirements where applicable. The report otherwise remains unchanged.

In accordance with Section 7A and 7B of the *Salaries and Allowances Act 1975*, the Salaries and Allowances Tribunal (SAT) determines the minimum and maximum remuneration paid to elected members at intervals of not more than twelve (12) months.

The SAT allowances were reviewed and on 4 April 2025 new minimum and maximum payments were published for [Local Government Chief Executive Officers and Elected Members in Determination 1 of 2025](#) to be effective from 1 July 2025.

Subject to this annual determination and in accordance with Section 5.98 of the *Local Government Act 1995*, Councillor's Sitting Fees and Allowances are reviewed and adopted with the Annual Budget.

COMMENTS AND DETAILS

Following discussions at the budget workshops held 20 May 2025 and 8 July 2025, and the release of the SAT's Determination, Officers have prepared the draft budget proposing Councillors sitting fees remain at 80% of the established by SAT for the 2025/26 financial year and 60% of the levels for the Shire President and Deputy President

Sections 20, 21, 22, and 26 of the Determination states:

“(20) The Tribunal has determined Elected Member attendance fees, and annual allowance ranges be increased by 3.5%. The Tribunal considered various submissions calling for increases, with the determined increase reflecting a variety of issues raised in the submission.”

(21) The Tribunal maintains that elected council members' fees should be set to compensate costs for the prescribed role of an elected council member. The role of an elected council member was specifically described as not being a full-time occupation in parliamentary debates regarding the Local Government Amendment Act 2011 and re-iterated again in the Parliament last year through the passing of the Local Government Amendment Bill 2024.

(22) The Tribunal notes the recent legislative changes which enable superannuation payments to be made to local government elected council members. Any superannuation payments are in addition to the fees and allowances provided to elected council members as determined by the Tribunal.

(26) All other allowances remain unchanged."

The SAT determination, released on 4 April 2025 and taking effect from 1 July 2025, stipulates Band 3 annual attendance fees be set between the range of \$8,615 and \$18,335 for a council member other than the Mayor or President, and for the Mayor or President the fee be set between a range of \$8,615 and \$28,385.

In addition, the annual allowance for the Mayor or President of a Band 3 local government is determined to be between a range of \$1,152 - \$41,388 with the percentage determined for the Deputy President to be 25% of that range.

The SAT Determination acknowledges the degree of voluntary community service in the role of elected members.

OPTIONS

Council has the following options:

Option 1: Council could choose to adopt a zero percent (0%) increase to Councillors' Sitting Fees and not adopt superannuation payments for Council Members.

Option 2: Council could choose to adopt a zero percent (0%) increase to Councillors' Sitting Fees and adopt superannuation payments for Council Members.

Option 3: Council could choose to adopt an increase to Councillors' Sitting Fees, within the band allocation determined by SAT and not adopt superannuation payments for Council Members.

Option 4: Council could choose to adopt an increase to Councillors' Sitting Fees, within the band allocation determined by SAT and adopt superannuation payments for Council Members.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

SAT

Council 20 May 2025 and 8 July 2025 Budget Workshops

Strategic

Council Plan 2025-2035

Pillar 5: Strong governance, responsive leadership

Community-informed, responsive leadership and strong governance

Policy Related

Not applicable

Financial

The total proposed fees to be paid to Councillors in the 2025/26 budget amounts to \$157,397 as detailed below.

TABLE 1.

ELECTED REMUNERATION	MEMBERS	2025/26	2024/25	2023/24	2022/23
		Budget	Budget	Budget	Budget
		\$	\$	\$	\$
Meeting fees		110,716	106,948	103,383*	103,383*
President's allowance		24,833	23,993	17,085	17,085
Deputy President's allowance		6,208	5,998	4,271	4,271
Travelling expenses		1,500	0	0	0
Telecommunications allowance		14,140	14,140	14,140	14,140
		157,397	151,079	138,879	138,879

This equates to \$22,708 for Shire Presidents fees plus \$14,668 multiplied by six (6) Councillors. *These figures are shown as whole numbers. However, a numerical difference exists due to rounding.

All Councillors' attendance fees remain at 80% of the maximum allowance determined by SAT and the Presidential Allowances (Shire President and Deputy Shire President) remain at 60% of the maximum allowances. The annual difference is attributable to the 3.5% increase in the SAT determination.

New provisions regarding local governments providing superannuation to Councillors commenced on 1 February 2025. The changes result from implementation of the Local Government Reforms via the *Local Government Amendment Act 2024*.

From 19 October 2025 it will be compulsory for all band 1 and 2 local governments to pay superannuation to Councillors. This will remain optional for band 3 and 4 local governments, noting the Shire of York is classified as band 3. Individual Councillors may still choose to 'opt out' of receiving superannuation even where a local government resolves to pay superannuation.

At its May 2025 budget workshop, Council considered the payment of superannuation for Council members in line with the new provisions and consensus indicated a preference for superannuation not to be paid.

Legal and Statutory

Sections 5.98, 5.98A, 5.99, 5.99A, 5.99B, 5.99C, 5.99D and 5.99E of the *Local Government Act 1995* are applicable and state:

“5.98. Fees, reimbursements and allowances for council members

(1A) *In this section —*

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

(1) *A council member who attends a council or committee meeting is entitled to be paid —*

(a) *the fee determined for attending a council or committee meeting; or*

(b) *where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.*

(2A) *A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*

(a) *the fee determined for attending a meeting of that type; or*

- (b) *where the local government has set a fee within the range determined for meetings of that type, that fee.*
- (2) *A council member who incurs an expense of a kind prescribed as being an expense —*
 - (a) *to be reimbursed by all local governments; or*
 - (b) *which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,**is entitled to be reimbursed for the expense in accordance with subsection (3).*
- (3) *A council member to whom subsection (2) applies is to be reimbursed for the expense —*
 - (a) *where the extent of reimbursement for the expense has been determined, to that extent; or*
 - (b) *where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.*
- (4) *If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.*
- (5) *The mayor or president of a local government is entitled, in addition to any entitlement that the mayor or president has under subsection (1) or (2), to be paid —*
 - (a) *the annual local government allowance determined for mayors or presidents; or*
 - (b) *where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.*
- (6) *A local government cannot make any payment to, or reimburse an expense of, a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with —*
 - (a) *this Division; or*
 - (b) *a policy adopted by the local government under section 5.129.*
- (6A) *Neither subsection (6), nor any other provision of this Act, prevents a local government from doing the following —*
 - (a) *making a unanimous resolution as referred to in the Taxation Administration Act 1953 (Commonwealth) Schedule 1 section 12-45(1)(e);*
 - (b) *if the local government makes such a resolution — doing anything under the Taxation Administration Act 1953 (Commonwealth), the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) or any other law of the Commonwealth as a result of the making of the resolution.*

[(7) deleted]

5.98A. Allowance for deputy mayor or deputy president

- (1) *A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

** Absolute majority required.*

- (2) *An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

** Absolute majority required.*

5.99A. Allowances for council members in lieu of reimbursement of expenses

- (1) *A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —*

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or*
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,*

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

- (2) *For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —*
- (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;*
 - (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.*

5.99B. Superannuation for council members: main provisions

- (1) *In this section and sections 5.99C to 5.99E —*

remuneration *has the same meaning that it has in the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) section 11(1)(e);*

superannuation contribution payment, *in relation to a council member, means —*

- (a) a payment of a prescribed type that is towards, or otherwise relates to, superannuation or retirement benefits for the council member; or*
- (b) in the absence of regulations made for the purposes of paragraph (a) — a payment that is a contribution to an account that —*
 - (i) is nominated by the council member to the local government; and*
 - (ii) is for superannuation or retirement benefits from a scheme or fund to which the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) applies.*

- (2) *A local government may decide* to pay superannuation contribution payments for its council members under this section.*
 - * Absolute majority required.*
- (3) *A local government may revoke* a decision made by it under subsection (2).*
 - * Absolute majority required.*
- (4) *Regulations may require a local government, for which no decision under subsection (2) is in effect, to pay superannuation contribution payments for its council members under this section.*
- (5) *Regulations may make provision for determining —*
 - (a) when a superannuation contribution payment for a council member is payable; and*
 - (b) the amount of a superannuation contribution payment for a council member.*
- (6) *Subsections (7) and (8) apply in the absence of regulations made for the purposes of subsection (5).*
- (7) *A superannuation contribution payment for a council member is payable with, and at the same time as, any remuneration of the council member paid by the local government.*
- (8) *The amount of the superannuation contribution payment is the amount that the local government would have been required to contribute under the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) as superannuation if —*
 - (a) the council member were an employee of the local government for the purposes of that Act; and*
 - (b) the remuneration were salary or wages of the council member for the purposes of that Act.*
- (9) *This section is subject to sections 5.99C and 5.99D.*

5.99C. Superannuation for council members: opt outs

- (1) *This section applies to a local government —*
 - (a) for which a decision under section 5.99B(2) is in effect; or*
 - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.*
- (2) *A council member may, by written notice to the CEO (an **opt-out notice**), opt out of superannuation contribution payments.*
- (3) *An opt-out notice remains in effect unless, and until, the council member, by written notice to the CEO, revokes the opt-out notice.*
- (4) *If an opt-out notice is in effect, the local government cannot pay a superannuation contribution payment for the council member under section 5.99B.*

Note for this subsection:

If an opt-out notice is revoked, the local government cannot pay a superannuation contribution payment for the council member that the local government could not previously pay because of this subsection.

5.99D. Superannuation for council members: other exceptions

- (1) *This section applies to a local government —*
 - (a) for which a decision under section 5.99B(2) is in effect; or*
 - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.*

- (2) *A local government cannot pay a superannuation contribution payment for a council member under section 5.99B at any time when the Taxation Administration Act 1953 (Commonwealth) Schedule 1 section 12-45(1)(e) applies in relation to the local government.*
- (3) *Subsection (4) applies in the absence of regulations made for the purposes of paragraph (a) of the definition of **superannuation contribution payment** in section 5.99B(1).*
- (4) *A local government cannot pay a superannuation contribution payment for a council member under section 5.99B if the council member has not, before the time at which the superannuation contribution payment must be paid, nominated an account to the local government as referred to in paragraph (b) of the definition of **superannuation contribution payment** in section 5.99B(1).*
- (5) *Regulations may prescribe circumstances in which a local government —*
 - (a) *cannot pay a superannuation contribution payment for a council member under section 5.99B; or*
 - (b) *can pay only a portion of the amount of each superannuation contribution payment for a council member under section 5.99B.*
- (6) *Regulations may make provision for determining the portion referred to in subsection (5)(b).*

Note for this section:

A superannuation contribution payment, or a portion of a superannuation contribution payment, that a local government cannot pay for a council member under subsection (2) or (4), or under a provision of regulations made for the purposes of subsection (5), cannot be paid by the local government after the subsection or provision of regulations has ceased to apply. For example, if a local government cannot pay a superannuation contribution payment for a council member under subsection (2), the local government cannot pay the superannuation contribution payment after the Taxation Administration Act 1953 (Commonwealth) Schedule 1 section 12-45(1)(e) ceases to apply in relation to the local government.

5.99E. Superannuation for council members: supplementary provisions

- (1) *For the purposes of subsection (2), this subsection applies to a case in which —*
 - (a) *section 5.102AB, 8.29(5)(b) or 8.30B(4)(b) applies in relation to an annual allowance or annual fee paid in advance to a person (the **relevant person**); and*
 - (b) *the local government paid a superannuation contribution payment for the relevant person under section 5.99B wholly or partly by reference to, or otherwise in connection with, the annual allowance or annual fee.*
- (2) *Regulations may, in respect of a case to which subsection (1) applies, make provision —*
 - (a) *requiring the relevant person to pay the local government an amount (the **returnable amount**) that is equal to a percentage of the amount of the superannuation contribution payment; and*
 - (b) *for determining that percentage (which may be 100%); and*
 - (c) *for the local government to recover the returnable amount if it is not paid.*
- (3) *In making a determination under the Salaries and Allowances Act 1975 section 7B, the Salaries and Allowances Tribunal must not take into account either of the following —*
 - (a) *the payment of superannuation contribution payments by a local government under section 5.99B;*
 - (b) *a local government's power to decide to pay, or its duty to pay, superannuation contribution payments under section 5.99B.*

- (4) *Nothing in section 5.99B, 5.99C or 5.99D or this section, or that is done under section 5.99B, 5.99C or 5.99D or this section, makes a council member an employee of the local government.*
- (5) *A superannuation contribution payment paid by a local government under section 5.99B is not salary for the purposes of any written law.”*

Regulation 10 of the *Local Government (Administration) Regulations 1996* is applicable to the revocation or changing of decisions and states:

“10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,*
inclusive of the mover.
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Councillor Smythe (Mover of Resolution 060825), Councillor Trent, Councillor Gibbs and Councillor Pyke have confirmed their agreement to revoke Resolution 060825.

Risk Related

Council would be in breach of the legislation if payments were not made to Councillors or if the payments were outside the band allocations set by the SAT.

Workforce

Payment of allowances to Councillors is managed within current resourcing capacity.

VOTING REQUIREMENTS

Absolute Majority: Yes

RECOMMENDATION 1

That, with regard to Councillors' Sitting Fees and Remuneration 2025/26, Council:

1. Resolves to revoke Resolution 060825 made at the Special Council Meeting held 12 August 2025 which states:

"That, with regard to Councillors' Sitting Fees and Remuneration 2025/26, Council:

1. *Resolves to adopt the following elected member sitting fees and allowances:*

Sitting Fee – Shire President	\$21,940
Sitting Fee – Councillors x6	\$14,168
Allowance – Shire President	\$23,993
Allowance – Deputy President	\$5,998
IT & Communications Allowance x7	\$2,020

2. *Resolves not to adopt superannuation contribution payments for Councillors."*

RECOMMENDATION 2

That, with regard to Councillors' Sitting Fees and Remuneration 2025/26, Council:

1. Resolves to adopt the following elected member sitting fees and allowances:

Sitting Fee – Shire President	\$22,708
Sitting Fee – Councillors x6	\$14,668
Allowance – Shire President	\$24,833
Allowance – Deputy President	\$6,028
IT & Communications Allowance x7	\$2,020

2. Resolves not to adopt superannuation contribution payments for Councillors.

8 CLOSURE