



SHIRE OF WILLIAMS COUNCIL AGENDA

**SPECIAL COUNCIL MEETING
MONDAY 1 SEPTEMBER 2025,
6PM,COUNCIL CHAMBERS**

SHIRE COUNCIL CHAMBERS
9 BROOKING STREET
WILLIAMS WA 6391



NOTICE OF SPECIAL COUNCIL MEETING

Dear Elected Member and Community Members,

Please be advised that the Shire President has called a Special Meeting of Council for the Shire of Williams will be held on Monday 1 September 2025, in the Shire of Williams Council Chambers, 9 Brooking Street, Williams, commencing at 6.00pm.

The purpose of the meeting is to revoke a decision of Council in relation to the interest to be applied to rate instalment options for 2025-26 rate payments, and a decision to apply interest to instalments.

A handwritten signature in blue ink, appearing to read 'Peter Stubbs'.

Peter Stubbs

Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Williams for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Williams disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Williams during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Williams. The Shire of Williams warns that anyone who has any application lodged with the Shire of Williams must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Williams in respect of the application.

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1. DECLARATION OF OPENING AND ANNOUNCEMENTS

The Presiding Member, President Logie, will declare the Council meeting open at 6.00 pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Elected Members

Cr Jarrad Logie	President
Cr Natalie Major	Deputy President
Cr Christine Cowcher	
Cr Simon Harding	
Cr John Macnamara	
Cr Bernie Panizza	
Cr Tracey Price	

Staff

Peter Stubbs	Chief Executive Officer
Gemma Boyce	Executive Manager for Corporate Services

Visitors

Apologies – Nil
Leave of Absence – Nil

3. REPORTS

3.1 CHIEF EXECUTIVE OFFICER REPORT

3.1.1 RATE INSTALMENT PAYMENT ARRANGEMENTS 2025-26.

File Reference	4.23.10
Statutory Reference	Local Government Act 1996, Section 6.2 Local Government (Financial Management) Regulations 1996
Authors	Peter Stubbs, Chief Executive Officer Gemma Boyce, Executive Manager of Corporate Services
Date	1 September 2025
Disclosure of Interest	Nil, or interest in common
Attachments	Signing Form to Evidence compliance with Regulation 10 of the <i>Local Government (Administration) Regulations 1996.</i>

Background

In the Special Meeting of Council held on 30 July 2025 Council adopted an 11% interest rate on rate payment instalments for the 2025-26 rates on the recommendation of the Chief Executive Officer (CEO) .

The Council resolution was as follows,

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. Raising Rates

Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following Gross Rental and Unimproved Value and Minimum Rates.

2. General Rates*

- Residential (GRV) 9.748 cents in the dollar
- Commercial / Industrial (GRV) 9.748 cents in the dollar
- Rural/Mining (UV) 0.339 cents in the dollar

3. Minimum Rates

- Residential (GRV) \$1,050
- Commercial / Industrial (GRV) \$1,050
- Rural/Mining (UV) \$1,341

4. Instalments

Council nominates the following due dates for the payment in full by instalments:

- Full payment and 1st instalment due date 30 September 2025
- 2nd quarterly instalment due date 25 November 2025
- 3rd quarterly instalment due date 20 January 2026
- 4th and final quarterly instalment due date 17 March 2026

5. Instalment Option Charge

Pursuant to section 6.45 of the Local Government Act 1995, regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$12.50 for each instalment after the initial instalment is paid.

6. Instalment Option Interest Rate

Pursuant to section 6.45 of the Local Government Act 1995, regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% where the owner has elected to pay rates and service charges through an instalment option.

7. Interest rate on Overdue Rates

Pursuant to section 6.51 (1) and subject to section 6.51 (4) of the Local Government Act 1995, regulation 70 of the Local Government (Financial Management) Regulations 1996 Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.

For: Cr Price, Cr Panizza, Cr Macnamara, Cr Cowcher, Cr Major, Cr Logie

Against: Nil

Carried: 6/0

Resolution: 3/25

The CEO recommendation in relation to this was incorrect and inconsistent with the Local Government Act and Regulations and therefore needs to be corrected.

To correct the Council decision, it is necessary for the Council to revoke by Absolute Majority part 6 of the above Council resolution above, which is contrary to the Local Government Act and Regulations.

The relevant legislative requirement for this is provide below.

Legislation - Local Government (Administration) Regulations 1996

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 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 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.

[Regulation 10 amended: Gazette 31 Mar 2005 p. 1030;
SL 2020/213 r. 16.]

Signatures of the proposed mover and the two seconders are required to revoke a decision of Council and to demonstrate compliance with Regulation 10 above.

Once Council has revoked Part 6 of the Council resolution it may proceed to adopt a percentage (%) interest rate on rate payment instalments for the 2025-26 rates that is aligned with or below the maximum interest rate of 5.5% prescribed in Financial Management Regulation 68 (or a fee).

In considering that option the **Local Government (Financial Management) Regulations 1996** section 68. - Maximum interest component prescribed (Act s. 6.45) provide that,

The maximum rate of interest to be imposed under section 6.45(3) is prescribed as 5.5%.
[Regulation 68 amended: Gazette 18 Jun 1999 p. 2639; 20 Apr 2012 p. 1705; 29 Jun 2012 p. 2954.]

Local Government Act 1995 section 6.60 & 6.45 also need consideration

Section 6.45 Options for payment of rates or service charges

(1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —

- (a) 4 equal or nearly equal instalments; or
- (b) such other method of payment by instalments as is set forth in the local government's annual budget.

(2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —

- (a) by a single payment; or
- (b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.

(3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or Local Government Act 1995 Financial management service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

(4) Regulations may —

- (a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and
- (b) prescribe circumstances in which payments may or may not be made by instalments; and
- (c) prohibit or regulate any matters relating to payments by instalments; and
- (d) provide for the time when, and manner in which, instalments are to be paid; and
- (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
- (f) provide for any other matter relating to the payment of rates or service charges.

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

Section 6.50. Rates or service charges due and payable

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

Comment

There is a further administration error on the 2025-26 rate notices issued on the 8 August 2025. Those rates notices issued stated a charge of \$150.00, instead of the Council approved \$12.50 for each instalment after the initial instalment is paid. This will be corrected to align with the Council decision of the 30 July 2025 in this respect.

The Department of Local Government, Regulation and Safety has advised that changes to the rate instalment and payment dates need to be made if revised and new rate notices are to be issued. Recommendations are therefore made regarding this to address compliance and for transparency and audit reasons.

Voting Requirements

Absolute Majority (1/3 of Council members required. Mover and two seconders to sign and statement-attached)

OFFICER'S RECOMMENDATION 1 - REVOKE RATE INSTALMENT PAYMENT ARRANGEMENTS 2025-26.

In accordance with *Local Government (Administration) Regulations 1996 clause 10. Revoking or changing decisions (Act s. 5.25(1)(e))*, the Council revoke by Absolute Majority Part 6 of Council resolution 3/25 adopted on the 30 July 2025, which states,

Instalment Option Interest Rate

Pursuant to section 6.45 of the *Local Government Act 1995*, regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% where the owner has elected to pay rates and service charges through an instalment option.

Voting Requirements

Absolute Majority (1/3 of Council members required. Mover and two seconders to sign and statement-attached)

OFFICER'S RECOMMENDATION 2- REVOKE RATES OR SERVICE CHARGES DUE AND PAYABLE 2025-26.

In accordance with *Local Government (Administration) Regulations 1996 clause 10. Revoking or changing decisions (Act s. 5.25(1)(e))*, the Council revoke by Absolute Majority Part 4 of Council resolution 3/25 adopted on the 30 July 2025, which states,

Instalments

Council nominates the following due dates for the payment in full by instalments:

- | | |
|---|-------------------|
| • Full payment and 1st instalment due date | 30 September 2025 |
| • 2nd quarterly instalment due date | 25 November 2025 |
| • 3rd quarterly instalment due date | 20 January 2026 |
| • 4th and final quarterly instalment due date | 17 March 2026 |

Voting Requirements

Absolute Majority (1/3 of Council members required. Mover and two seconders to sign and statement-attached)

OFFICER'S RECOMMENDATION 3 -RATE INSTALMENT PAYMENT ARRANGEMENTS FOR 2025-26

That in accordance with *Local Government (Financial Management) Regulations 1996 section 68*, Council adopts a rate instalment interest rate of as 5.5%, for instalments for the 2025-26 rates.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION 4 - RATES OR SERVICE CHARGES DUE AND PAYABLE 2025-26

That in accordance with *Local Government Act section 6.50 (2) & (3)* Council set the following revised dates for rate and instalment payments

Full payment and 1st instalment due date

- | | |
|---|-----------------|
| • Full payment and 1st instalment due date | 7 October 2025 |
| • 2nd quarterly instalment due date | 8 December 2025 |
| • 3rd quarterly instalment due date | 9 February 2026 |
| • 4th and final quarterly instalment due date | 9 April 2026 |

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION 5 -RECALL & REISSUE OF RATE NOTICES FOR 2025-26

The Council authorise the recall and reissue of the 2025-26 rate notices correcting the interest, fees, and amending the payments dates to be applied to rate instalments in accordance with Council decisions and directs the Chief Executive Officer to issue an explanatory letter to ratepayers with their corrected rate notice.

4. CLOSURE OF MEETING



Attachment – Special Council Meeting 1 September 2025, Item 3.1.1 RATE INSTALMENT PAYMENT ARRANGEMENTS 2025-26.

Signing Form to Evidence compliance with Regulation 10 of the *Local Government (Administration) Regulations 1996*)

Moved _____ Seconded _____ & _____

Cr _____ Cr's _____ & _____

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION - REVOKE RATE INSTALMENT PAYMENT ARRANGEMENTS

In accordance with *Local Government (Administration) Regulations 1996 clause 10. Revoking or changing decisions (Act s. 5.25(1)(e))*, the Council revoke by Absolute Majority Part 6 of Council resolution 3/25 adopted on the 30 July 2025, which states,

Instalment Option Interest Rate

Pursuant to section 6.45 of the *Local Government Act 1995*, regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% where the owner has elected to pay rates and service charges through an instalment option.

Against: Nil

Carried: 7/0

Attachment – Special Council Meeting 1 September 2025, Item 3.1.1 RATE INSTALMENT PAYMENT ARRANGEMENTS 2025-26.

Signing Form to Evidence compliance with Regulation 10 of the *Local Government (Administration) Regulations 1996*)

Moved _____ Seconded _____ & _____

Cr _____ Cr's _____ & _____

OFFICER'S RECOMMENDATION 2- REVOKE RATES OR SERVICE CHARGES DUE AND PAYABLE 2025-26.

In accordance with *Local Government (Administration) Regulations 1996 clause 10. Revoking or changing decisions (Act s. 5.25(1)(e))*, the Council revoke by Absolute Majority Part 4 of Council resolution 3/25 adopted on the 30 July 2025, which states,

Instalments

Council nominates the following due dates for the payment in full by instalments:

- | | |
|---|-------------------|
| • Full payment and 1st instalment due date | 30 September 2025 |
| • 2nd quarterly instalment due date | 25 November 2025 |
| • 3rd quarterly instalment due date | 20 January 2026 |
| • 4th and final quarterly instalment due date | 17 March 2026 |

Against: Nil

Carried: 7/0