



SHIRE OF MT MARSHALL

AGENDA

Notice is hereby given that the next Ordinary Meeting of Council will be held at 3:00pm in Council Chambers, 71 Monger St, Bencubbin on Tuesday 20 June 2023.

Ben McKay
Chief Executive Officer

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been left blank



SHIRE OF MT MARSHALL

QUESTION TIME FOR THE PUBLIC

❖ {Please Write Clearly}

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:-

❖ {GENERAL QUESTION / QUESTION RELATED TO THE AGENDA}

❖ {Strike out unnecessary words}

ITEM NO: _____

PAGE NO: _____

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 9:30AM ON THE DAY OF THE MEETING AT THE SHIRE OF MT MARSHALL OFFICE, MONGER STREET, BENCUBBIN.

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

DISCLAIMER

MEMBERS OF THE PUBLIC ARE REQUESTED TO READ THROUGH AND FAMILIARISE THEMSELVES WITH THE DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Mt Marshall for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mt Marshall 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 license, any statement or intimation of approval made by a member or officer of the Shire of Mt Marshall 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 Mt Marshall. The Shire of Mt Marshall warns that anyone who has an application lodged with the Shire of Mt Marshall 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 Mt Marshall in respect of the application.

Ben McKay
Chief Executive Officer

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Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

1.0 Declaration of Opening / Announcement of Visitors

2.0 Announcements by Presiding Person Without Discussion

3.0 Record of Attendance

3.1 Apologies

3.2 Approved Leave of Absence

Nil

4.0 Declarations of Interest

5.0 Public Questions

5.1 Public Question Time

5.2 Response to Previous Public Questions Taken on Notice

6.0 Confirmation of Minutes of Previous Meetings

6.1 Minutes of the Ordinary Meeting held on Tuesday 16 May 2023

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 16 May 2023 be confirmed as a true and correct record of proceedings.

Voting Requirement: Simple Majority

7.0 Petitions, Presentations and Deputations

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

8.0 Reports

8.1 Council Committees

8.1.2 Minutes of Facilities and Service Committee Meeting held on 30 May 2023

File Ref:	4.0514
Applicant/Proponent:	Nil
Author:	Nadine Richmond – Executive Assistant
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	8.1.2 - Minutes of Facilities and Services Committee Meeting held 30 May 2023

Report Purpose:

The purpose of this report is for Council to receive and endorse the minutes of the Facilities and Services Committee meeting held 30 May 2023.

Background:

The Shire's Facilities and Services Committee was established at the August 2021 ordinary meeting of Council. The Committee's purpose is to work with groups from across the community to address their concerns regarding equity in facilities and services.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

Section 5.8: Establishment of Committees

A local government may establish committees of three (3) or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Failure to have Council endorse the minutes of a Council appointed committee would be a breach of the *Local Government Act 1995*.

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

The minutes of the Facilities and Services Committee meeting held on Tuesday 30 May, 2023 are submitted for Council endorsement.

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorse the minutes of the Facilities and Services Committee meeting held on Tuesday 30 May 2023.

8.2 Chief Executive Officer

8.2.10 Proposed Changes to Constitution for the Central East Aged Care Alliance Inc (CEACA)

File Ref:	4.0134
Applicant/Proponent:	N/A
Author:	Ben McKay – Chief Executive Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	8.2.10 - Proposed CEACA Inc Constitution

Report Purpose:

The purpose of this report is to consider the proposed changes to the Constitution for the Central East Aged Care Alliance Inc (CEACA).

Background:

Based on discussions at Management Committee meetings and after consultation with lawyers, certain changes to the CEACA Constitution are proposed.

The legal review has considered the need for CEACA's constitution to satisfy the requirements of Australian Charities and Not-for-profits Commission (ACNC) and the Australian Taxation Office ATO.

The proposed changes are as follows:

Vision of the Association (Section 1.2)

“Ageing population” changed to “current and future population”. This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.

Objects and Purpose of Association (Section 1.3)

“aged” changed to “people in need including disadvantaged, aged and individuals with disabilities”. This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.

Definitions (Section 2.1)

Various changes to bring the Constitution in line with the current standard clauses of charitable entities in respect of ACNC and Taxation related matters.

Applying for Membership (Section 5.4)

Applicants to apply for a 3-year term.

Becoming a Member (Section 5.6)

“And terms of Membership” added to the paragraph heading. Membership terms to be 3-year terms.

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

Resigning as a Member (Section 7.2)

A Member which resigns is liable to pay the remaining Membership fees, if any, related to a 3-year term.

Annual Membership Levy (Section 9.2)

Annual membership levy to be paid annually or as otherwise determined by the Management Committee. A Member which resigns before the end of the 3-year term is immediately liable to pay the remaining Membership fees, if any, related to the 3-year term.

Secretary and Treasurer (Section 11.5 and 11.6)

With the approval of the Management Committee, the Secretary and Treasurer may delegate their duties to the Executive Officer of the Association.

Special Resolutions (Section 19.1)

“Sell transfer or otherwise dispose of any land owned by the Association” is added to the list of items requiring a special resolution (at least 75% approval of Members).

Cancellation and Distribution of Surplus Property (Section 29)

Changes to the wording to comply with the current standard in accordance with ACNC and ATO requirements.

Consultation:

No consultation has been undertaken for this matter.

Statutory Environment:

There are no statutory implications for this matter.

Relevant Plans and Policy:

There are no plan or policy implications for this matter.

Financial Implications:

There is a financial implication should Council decide to resign from the Association. Membership with the Association is for a term of 3 years and any member which resigns before the end of the 3-year term is immediately liable to pay the remaining Membership fees, if any, related to the 3-year term.

Risk Assessment:

Should Council not continue to support the CEACA model then our community may not receive the best outcome for Aged Services in Mt Marshall.

Community & Strategic Objectives:

Governance and Leadership

- Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community
- Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

Comment:

The proposed changes are generally administrative in nature, with the constitution updated to comply with the current standard in accordance with the Australian Charities and Not-for-profits Commission (ACNC) and the Australian Taxation Office ATO.

Any financial implications will not impact Council, provided they continue to participate in the CEACA program.

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council endorse the proposed changes to the Constitution for the Central East Aged Care Alliance Inc (CEACA).

8.2.11 Councillor Sitting Fees 2023/2024

File Ref:	3.0096
Applicant/Proponent:	N/A
Author:	Ben McKay – Chief Executive Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Nil

Report Purpose:

Council is requested to consider and set the Elected Members Sitting Fees and Allowances which are to be incorporated into the 2023/24 Financial Budget.

Background:

Section 7B (2) of the Salaries and Allowances Act 1975 requires the Salaries and Allowances Tribunal, at intervals of not more than 12 Months, to inquire into and determine: -

- The amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 to elected council members for attendance at meetings.
- The amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- The number of allowances or the minimum and maximum amounts of allowances, to be paid under the Local Government Act to elected council members.

For the 2023/2024 financial year, the tribunal has determined that remuneration, fees, expenses and allowance ranges for Band 4 Councils will increase by an average of 2.5% from those determined for the 2022/23 financial year.

The Shire of Mt Marshall is deemed a Band 4 Council and will remain a band 4 Local Government until the populations exceeds 5,000 permanent residents.

Consultation:

No consultation has been undertaken on this matter.

Statutory Environment:

Local Government Act 1995, section 5.98A, 5.99 & 5.99A

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).

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* 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.

Relevant Plans and Policy:

Policy 'C&C.1.4 'Councillor meeting fees, allowances and reimbursements' indicates that the fees are to be set prior to the annual budget deliberations.

Financial Implications:

Any resolution on the value of sitting fees and Councillor expenses will form part of the 2023/2024 Budget.

Risk Assessment:

It is the elected members prerogative to set their fees and allowances subject to the limitation placed upon it by the SAT.

Community & Strategic Objectives:

Governance and Leadership

- Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community
- Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

Comment:

The Salaries and Allowances Tribunal has determined a 1.5% increase to the remuneration for Elected Members which means the fees for 2022/23 will be:

Council Meeting Attendance Fees per Annum

Where a local government decides, by absolute majority, to pay a Council Member a fee referred to in section 5.98(1)(b) of the *Local Government Act 1995* for attendance at a Council meeting, the following per meeting fee range will be applicable:

Band	For a Council Member other than Mayor or President		For a Council Member who holds the office of Mayor or President	
	Minimum	Maximum	Minimum	Maximum
4	\$3,735	\$9,890	\$3,735	\$20,325

The meeting fee set for 2022/23 was \$10,500 for the Shire President and \$3,675 per annum for Councillors.

Annual Allowance for a Mayor or President

Where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the *Local Government Act 1995* the following allowance range will be applicable.

Band	Minimum	Maximum
4	\$535	\$20,875

Annual Allowance for Deputy President

For the purpose of section 5.98A(1) of the *Local Government Act 1995* the annual allowance for a Deputy President is determined to be up to 25% of the Presidents Allowance.

The President allowance was set at \$5,250 and \$1,312.50 for the Deputy President (25% of President Allowance).

It is proposed the new fee structure for 2023/24 be set as:

Band	Annual Meeting Fee		Annual Allowance	
	President	Councillor	President	Deputy president
4	\$11,000	\$3,735	\$5,500	\$1,375

It should be noted that Elected Members are also permitted be paid an annual allowance towards ICT. In this regard the SAT determined the following:

- Minimum \$500

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- Maximum \$3,500

The current ICT Allowance for Councillors is \$1,750

It is entirely up to the Elected Members to determine the appropriate remuneration for attending Council meetings, committee meetings or prescribed meetings. The only restriction to setting the fees and allowance will be the bracket (minimum / maximum) set by the Salary and Allowance Tribunal.

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the following elected members sitting fees, expense reimbursements/allowances and President & Deputy Presidents allowances for the 2023/2024 financial year:

1.	<i>Annual President Meeting Attendance Fee</i>	<i>\$11,000</i>
	<i>Annual Councillor Meeting Attendance Fee</i>	<i>\$3,735</i>
2.	<i>Annual President Allowance</i>	<i>\$5,500</i>
	<i>Annual Deputy President Allowance</i>	<i>\$1,375</i>
3.	<i>Annual Communications / IT Allowance</i>	<i>\$1,750</i>
4.	<i>Travel Allowance as per Council Policy</i>	

8.2.12 Proposed Acquisition of Lot 170 (2) Collins Street, Bencubbin

File Ref:	4.0643
Applicant/Proponent:	N/A
Author:	Ben McKay – Chief Executive Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Nil

Report Purpose:

Council is requested to consider the offer for the owner to 'Gift' Lot 170 (2) Collins Street, Bencubbin to the Shire.

Background:

The owners of the subject site have been in discussions with the Shire, at various times, over the past three years regarding potentially gifting the property to an interested party.

Correspondence was received in May advising that the owners were in the process of finalising a vesting change and wanted to 'Gift' the property to the Shire.

Consultation:

No consultation has been undertaken on this matter.

Statutory Environment:

Local Government Act 1995

3.55. Acquisition of land

A local government can only take land under Part 9 of the Land Administration Act 1997 if it is in, or is to be regarded as being included in, its own district.

Relevant Plans and Policy:

There are no plan or policy implications for this matter.

Financial Implications:

There are no direct costs for the purchase of the property, however fees associated with the contract and transfer documents would be approximately \$5000.

Risk Assessment:

There is a risk that adequate land will not be available for future housing and aged care projects.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

Comment:

The Grand Lodge of Western Australia of Antient Free and Accepted Masons Incorporated has offered to 'Gift' Lot 170 (2) Collins Street, Bencubbin to the Shire.

Although the existing structure was once used by several community groups for various activities, it is unclear how many continue to use the facility. It should also be noted that there are several maintenance issues that have been identified with the existing structure and it may not be the best use of resources to continue to maintain another facility.

Considering its limited community use and the existing maintenance issues with the building, it may be beneficial for the Shire to demolish the structure and use the land for another purpose.

Whilst there may be future costs associated with the property it is recommended that Council accept the offer and purchase the land.

Voting Requirement:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1. supports the acquisition of Lot 170 on Deposited Plan 165565***
- 2. authorises the Chief Executive Officer to have the contract and transfer documents drafted.***
- 3. authorises the Chief Executive Officer and Shire President sign the necessary paperwork to effect the purchase, including use of the Common Seal where necessary.***
- 4. requests the Chief Executive Officer liaise with the community to determine the utilisation of the existing facility and determine if any suitable alternative venues exist.***

8.3 Executive Assistant

8.3.6 Freedom of Information Statement Review 2023

File Ref:	4.0237
Applicant/Proponent:	N/A
Author:	Nadine Richmond – Executive Assistant
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	8.3.6 - Freedom of Information Statement 2023

Report Purpose:

The purpose of this report is to have Council endorse the Shire's Freedom of Information Statement 2023.

Background:

Under the Freedom of Information Act 1992 the Shire is required to cause an up to date information statement to be published at intervals of no more than 12 months.

The statement must contain certain information including, amongst other things:

- a) The structure and functions of the agency;
- b) A description of the ways in which the functions of the agency affect members of the public;
- c) A description of the arrangements enabling the public to participate in the formulation of shire policies;
- d) The types of documents held by the agency;
- e) A description of the ways in which members of the public can access documents / information; and
- f) A description of the procedures for amending personal information.

The Shire is required to submit a statistical return annually, reporting any access applications and allowing the Office of the Information Commissioner to be appraised of where the Shire stands in relation to its obligations under sections 94 through to 97 of the Freedom of Information Act 1992.

A brief statement is published annually forming part of the Shire's Annual Report. The statement provided in the Annual Report refers to the Shire's full Freedom of Information Statement being available for viewing on our website or by request at the Shire office.

Consultation:

Nil

Statutory Environment:

Freedom Of Information Act 1992 - Sect 96

96 . *Information statement, each agency to publish annually*

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —
 - (a) within 12 months after the commencement of this Act; and
 - (b) at subsequent intervals of not more than 12 months.

Relevant Plans and Policy:

There are no relevant plans or policies for this matter.

Financial Implications:

Nil

Risk Assessment:

Failing to cause an up to date Freedom of Information Statement will incur a breach of section 96 of the Freedom of Information Act 1992.

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

The Freedom of Information Statement was last reviewed in June 2022. The majority of the information contained in the 2022 information statement is still correct. One minor change was made to update the organisational structure to reflect current staffing arrangements.

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council endorse the Shire of Mt Marshall Freedom of Information Statement 2023 as attached (8.3.6).

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

8.4 Finance and Administration Manager

8.4.13 Accounts Paid to 31 May 2023

File Ref:	4.0557
Applicant/Proponent:	N/A
Author:	Paula Harris – Finance Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	8.4.13 - Monthly Schedule of Accounts Paid to 31 May 2023

Report Purpose:

Council is required to have produced a Schedule of Accounts Paid each month containing relevant information, as legislated. The purpose of this report is to present the:

- Schedule of Creditor Accounts Paid for May 2023,
- Trust Fund Payments for May 2023, and
- Corporate Credit Card Reconciliations for May 2023.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as presented.

Background:

The Local Government (Financial Management) Regulations 1996 require Shire officers, monthly and within a prescribed timeframe, to prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

Consultation:

Tanika McLennan – Finance and Administration Manager
Ben McKay – Chief Executive Officer

Statutory Environment:

Regulation 12 and 13 of the Local Government (Financial Management) Regulations 1996 requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegate authority.

Relevant Plans and Policy:

Finances have been managed in accordance with the Shire of Mt Marshall policies. Payments have been made under delegated authority.

Financial Implications:

Funds expended are in accordance with Council's adopted 2022/2023 Budget.

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

Risk Assessment:

The Shire would be contravening the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 should this item not be presented.

Community & Strategic Objectives:

Governance and Leadership

- Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community
- Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION:

That Council, in accordance with Local Government (Financial Management) Regulations 1996 Regulation 13, confirms the Monthly Schedule of Accounts Paid for May 2023, totalling \$1,396,075.75 as included at Attachment 8.4.13

8.4.14 Statement of Financial Activity to 31 May 2023

File Ref:	4.0557
Applicant/Proponent:	N/A
Author:	Tanika McLennan – Finance and Administration Manager
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="checked" type="checkbox"/> Information Purposes
Attachments:	8.4.14 - Statement of Financial Activity to 31 May 2023

Report Purpose:

The purpose of this report is to have Council approve the monthly statement of financial activity.

Background:

Under Regulation 34 of the *Local Government (Financial Management) Regulations 1996* a local government is to prepare each month a statement of financial activity which includes annual budget estimates, year to date budget estimates, actual amounts expenditure, revenue and income, material variances and net current assets.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996

Relevant Plans and Policy:

Nil

Financial Implications:

The statement presented to Council is the most up to date information on its current financial position.

Risk Assessment:

Nil

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

Nil

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

The Council endorse the Statement of Financial Activity for the month ending 31 May 2023.

8.4.15 Schedule of Fees and Charges for 2023/2024

File Ref:	4.0275	
Applicant/Proponent:	N/A	
Author:	Tanika McLennan – Finance and Administration Manager	
Declaration of Interest:	Nil	
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Attachments:	8.4.15 - Schedule of Fees & Charges 2023/24	

Report Purpose:

To adopt the schedule of Fees and Charges for the 2023/24 financial year.

Background:

A workshop took place on 16 May 2023 with all Councillors present. The meeting reviewed Council’s Schedule of Fees & Charges, refuse charges, rates interest and instalment charges.

Consultation:

Shire of Mt Marshall Officers
 Shire of Mt Marshall Councillors

Statutory Environment:

Local Government Act 1995
 Local Government (Financial Management) Regulations 1996
 Local Government (Administration) Regulations 1996
 Rates and Charges (Rebates and Deferments) Act 1992

Relevant Plans and Policy:

Subject to Council policies

Financial Implications:

Adoption of Fees and Charges

Risk Assessment:

There is a risk of noncompliance with the *Local Government Act 1995* if not adopted by 31 August.

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

The 2023/24 Schedule of Fees and Charges is presented for adoption.

Voting Requirement:

Absolute Majority

OFFICER'S RECOMMENDATION:

That effective 1 July 2021:

- 1) *Pursuant to sections 6.32, 6.33, 6.34, 6.35 of the Local Government Act 1995, the following charges be imposed:*
 - a) *Where the service charge for domestic refuse collection is to apply, a charge of \$459.00 be applied.*
 - b) *Where the service charge for commercial refuse collection is to apply, a charge of \$459.00 plus GST be applied.*
 - c) *Where the service charge for domestic recycling bin collection is to apply, a charge of \$265.00 be applied.*
 - d) *Where the service charge for commercial recycling bin collection is to apply, a charge of \$265.00 plus GST be applied.*
- 2) *Pursuant to section 6.45 of the Local Government Act 1995 and 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 \$16 for each instalment after the initial instalment is paid.*
- 6) *Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner elected to pay rates and service charges through the instalment option.*
- 7) *Pursuant to section 6.51(1) and subject to section 5.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulation 1996 and the Local Government (COVID-19 Response) Ministerial Order 2020, gazetted on 8 May 2020, Council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable. This interest rate cannot be applied to an excluded person who has been determined to be suffering financial hardship, as defined by Council Policy F&R.2.10 COVID-19 Financial Hardship.*
- 8) *Pursuant to section 6.16 of the Local Government Act 1995, Council adopts the attached Fees and Charges schedule.*

8.5 Coordinator of Community Development

Nil

8.6 Regulatory Officer

Nil

9.0 Applications for Leave of Absence

Nil

10.0 Elected Members' Motions of Which Previous Notice Has Been Given

Nil

11.0 New Business of an Urgent Nature Introduced by Decision of the Meeting

Nil

12.0 Matters for Which Members of the Public are Excluded

12.2 Consideration of Building Order on Lot 43 – 49 Monger St, Bencubbin

File Ref:	PROPERTY, 4.0560
Applicant/Proponent:	N/A
Author:	Ben McKay – Chief Executive Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	12.2a - Legal Advice at 13 April 2023 12.2b - Intrax Structural Integrity Assessment of Bencubbin Hotel

Reason for Confidentiality:

This matter is to be considered behind closed doors pursuant to s.5.23(2)(f) of the *Local Government Act 1995* as the subject matter relates to:

s.5.23(2)(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.

Report Purpose:

Agenda for the Ordinary Meeting of Council on Tuesday 20 June 2023

The purpose of this report is to provide an overview of the outcomes to date and proposed next steps regarding the existing Building Order on Lot 43 – 49 Monger St, Bencubbin.

13.0 Next Meeting – Tuesday 18 July 2023 commencing at 3.00pm in Council Chambers, 71 Monger St, Bencubbin

14.0 Closure of Meeting