



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that a Special Meeting of Council was held on Friday 1 September 2023 in Council Chambers, 71 Monger St, Bencubbin commencing at 4:00pm.

Cr ARC Sachse

President

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intentionally**

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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1.0 Purpose of Meeting

The purpose of the special meeting is to consider the Deed of Variation – Kununoppin Medical Practice & Olatwhaler Medical Pty Ltd.

2.0 Declaration of Opening / Announcement of Visitors

The Presiding Member declared the meeting open at 3.00pm and welcomed all those present.

3.0 Record of Attendance

In Attendance

| | |
|---------------|-----------------------------|
| Cr ARC Sachse | Councillor/President |
| Cr NR Gillett | Councillor/Deputy President |
| Cr LN Gobbart | Councillor |
| Cr SR Putt | Councillor |
| Cr IC Sanders | Councillor |
| Cr TM Gibson | Councillor |
| Mr Ben Mckay | Chief Executive Officer |

3.1 Apologies

| | |
|---------------|------------|
| Cr MR Beagley | Councillor |
|---------------|------------|

3.2 Approved Leave of Absence

Nil

4.0 Declarations of Interest

Nil

5.0 Public Questions

5.1 Response to Previous Public Questions Taken on Notice

Nil

5.2 Public Question Time

The Presiding Member opened and closed public question time at 4:01pm.

6.0 Matters for Which Members of the Public are Excluded

2023/8-001 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the meeting moves behind closed doors.

Moved Cr SR Putt

Seconded Cr TM Gibson

Carried 6/0

6.1 CONFIDENTIAL ITEM Deed of Variation – Kununoppin Medical Practice & Olatwhaler Medical Pty Ltd

| | |
|---------------------------------|---|
| File Ref: | 4.0221 |
| 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: | 6.1a - Deed of Variation 6.1b - Kununoppin Medical Practice Committee Minutes – 1 September 2023 |

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)(c) and (e) 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; and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial, or financial affairs of a person.”

Report Purpose:

This report seeks Councils reconsideration of the resolution for the signing and sealing of the Deed of variation to the ‘Supply of Medical Services Deed’ between the Kununoppin Medical Practice Committee (KMPC) and Olatwhaler Medical Pty Ltd

2023/8-002 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

That Council acknowledges the work undertaken on the Deed of Variation for Olatwhaler Medical Pty Ltd and endorses the proposed response to the Kununoppin Medical Practice Committee.

Moved Cr SR Putt

Seconded Cr IC Sanders

Carried 6/0

2023/8-003 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the meeting comes out from behind closed doors.

Moved Cr TM Gibson

Seconded Cr SR Putt

Carried 6/0

7.0 Closure of Meeting

The Presiding Member thanked everyone for attending and declared the meeting closed at 4.16pm.

These Minutes were confirmed by Council at its Ordinary Meeting held on

Date

Cr ARC Sachse
President