



Shire of Mukinbudin

Unconfirmed Minutes

Ordinary Meeting of Council

Meeting held in Council Chambers at
15 Maddock Street, Mukinbudin
Commencing at 1.00pm Tuesday 20th June 2023

****** DISCLAIMER ******

No responsibility whatsoever is implied or accepted by the Shire of Mukinbudin for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mukinbudin 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 Mukinbudin 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 Mukinbudin. The Shire of Mukinbudin warns that anyone who has any application lodged with the Shire of Mukinbudin 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 Mukinbudin in respect of the application.

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.



Dirk Sellenger
CHIEF EXECUTIVE OFFICER

Table of Contents

- 1. Declaration of Opening**
 - 1.1 Declaration of Opening
- 2. Record of Attendance, Apologies, approved Leave of Absence**
 - 2.1 Present
 - 2.2 Staff
 - 2.3 Visitors
 - 2.4 Apologies
 - 2.5 Approved Leave of Absence
 - 2.6 Applications for Leave of Absence
- 3. Public Question Time**
 - 3.1 Response to previous questions taken on notice
 - 3.2 Declaration of Public Question time open
 - 3.3 Declaration of public time closed
- 4. Declarations of Interest**
- 5. Petitions, Deputations, Presentations**
 - 5.1 Petitions
 - 5.2 Deputations
 - 5.3 Presentations
- 6. Announcements by the presiding member without discussion**
- 7. Confirmation of minutes of previous meetings**
 - 7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Tuesday 23rd May 2023.
- 8. Committee Meetings**
 - 8.1 Receipt of Minutes of Committee Meetings**
 - 8.1.1 NEWROC Executive Meeting
 - 8.1.2 Local Health Advisory Group Regular Meeting *Confidential*
 - 8.1.3 Kununoppin Medical Practice Meeting *Confidential*
 - 8.2 Recommendations from Committee Meeting for Council Consideration
- 9. Reports**
 - 9.1 Council Monthly Information Reports**
 - 9.1.1 Receipt of June 2023 Information Report

9.2 Finance Reports

- 9.2.1 List of Payments – May 2023
- 9.2.2 Monthly Statement of Financial Activity Report – May 2023
- 9.2.3 Proposed Fees & Charges 2023/24
- 9.2.4 Write-Off Sundry Debtor #365 *Confidential*
- 9.2.5 Additional Transfer to Roadworks Reserve

9.3 Chief Executive Officer's Reports

- 9.3.1 Shire of Mukinbudin – Delegated Authority Register Annual Review
- 9.3.2 Shire of Mukinbudin – Policy Manual Annual Review
- 9.3.3 Shire assistance request – Mukinbudin Golf Club

10. Elected members Motions of which previous notice has been given

10.1

11. Urgent Business Approved by Person Presiding or by Decision

11.1

12. Closure of Meeting

12.1 Closure of Meeting

AGENDA

Agenda of the Ordinary Meeting of Council held in Council Chambers, Maddock Street, Mukinbudin on Tuesday 20th June 2023.

1. Declaration of Opening

The Deputy Shire President and Chairperson Cr Nicoletti, declared the Meeting open at 1.00 pm

2. Record of attendance, apologies, and approved leave of absence

2.1 Present:

Cr R Nicoletti Deputy President

Cr G Bent
Cr A Farina
Cr C McGlashan
Cr S Paterson
Cr J Seaby
Cr S Ventris
Cr A Walker

2.2 Staff:

Dirk Sellenger Chief Executive Officer
Renee Jenkin Manager of Corporate and Community Services
Ed Nind Finance Manager

2.3 Visitors:

Ms Alyce Ventris
Mr Bill Crook

2.4 Apologies:

Nil

2.5 On leave of absence:

Cr Shadbolt

2.6 Applications for leave of absence:

Cr Ventris requested a leave of absence for the July 2023 Ordinary Meeting of Council.

OFFICER RECOMMENDATION

Council Decision Number – 01 06 2023

Moved: Cr Paterson

Seconded: Cr McGlashan

That Cr Ventris be granted leave of absence for the July 2023 Ordinary Meeting of Council.

Carried 8 / 0

3. Public Question Time (min 15 minutes)

3.1 Response to previous questions taken on notice.
Nil

3.2 Declaration of public question time opened (minimum 15 mins)

The Shire President to declare public question time open at 1.02pm.

Mr Crook thanked Council for the transport to the Aboriginal Cultural Heritage Act 2021 Education Session in Merredin on Monday 19th June. Mr Crook expressed concern regarding the potential implications of the new legislation.

Cr Nicoletti explained that the legislation has been passed/endorsed by Parliament and will come into effective as of 1st July 2023.

3.3 Declaration of public question time closed

The Shire President to declare public question time closed at 1.07pm.

Mr Crook & Cr Seaby departed the meeting at 1.07pm.

Cr Seaby returned to the meeting at 1.09pm

4. Declarations of Interest

Cr Paterson – Impartiality

Item No 9.3.3 - Shire assistance request – Mukinbudin Golf Club

5. Petitions, deputations, and presentations

5.1 Petitions

5.2 Deputations

5.3 Presentations

5.3.1 Alyce Ventris – Town Team Builder (Wheatbelt W.A)

Ms Ventris presented to Council, an overview of the Town Teams structure, the various projects other established Town Teams have recently undertaken in nearby communities and the opportunity to establishment of a Mukinbudin Town Team.

Ms Ventris departed the meeting at 1.46pm

Cr Ventris departed the meeting at 1.46pm

Cr Ventris returned to the meeting at 1.47pm

6. Announcements by the Presiding person without discussion

7. Confirmation of the Minutes of previous meetings

7.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 23rd May 2023.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number – 02 06 2023

Moved: Cr Farina

Seconded: Cr Walker

That the Minutes of the Ordinary Meeting of Council held on the 23rd May 2023 be accepted as a true and correct record of proceedings.

Carried 8 / 0

8. Committee Meetings

8.1 Receipt of Minutes of Committee Meetings

8.1.1 NEWROC Executive Meeting held 30th May 2023
[NEWROC Meeting Minutes](#)

Confidential

8.1.2 Local Health Advisory Group Meeting held 28th April 2023
 LHAG Meeting Minutes

Confidential

8.1.3 Kununoppin Medical Practice Meeting held 7th June 2023
 KMP Meeting Minutes

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number – 03 06 2023

Moved: Cr Ventris

Seconded: Cr McGlashan

That the Minutes of the following committee meetings be received.

- **NEWROC Executive Meeting held 30th May 2023**
- **Local Health Advisory Group Regular Meeting held 28th April 2023**
- **Kununoppin Medical Practice Meeting held 7th June 2023**

Carried 8 / 0

8.2 Recommendations from Committee Meeting for Council Consideration

9.1 Monthly Information Report

9.1.1 June 2023 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	June Information Report
Documents Tabled	Nil

Summary

To allow Council to receive the Monthly Information Report including reports from the Caravan Park Manager, Acting Manager of Works, Community Resource Centre Coordinator, and Manager of Corporate and Community Services and Finance Manager.

Background Information

Reports are presented to Council on various operational matters within the Shire of Mukinbudin.

Officer Comment

Refer to June Information Report.

Consultation

Tania Sprigg - Caravan Park Manager
 Bob Edwards – Acting Manager of Works
 Jessica McCartney – Community Resource Centre Coordinator
 Renee Jenkin – Manager of Corporate and Community Services
 Dirk Sellenger – Chief Executive Officer
 Ed Nind – Finance Manager

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION**Council Decision Number – 04 06 2023****Moved: Cr Seaby****Seconded: Cr Walker****That Council receive the June 2023 Information Report.****Carried 8 / 0***Cr Paterson departed the meeting at 2.02pm**Cr Paterson returned to the meeting at 2.03pm**Cr Walker departed the meeting at 2.08pm**Ed Nind joined the meeting at 2.08pm*

9.2 Finance Reports

9.2.1 List of Payments – May 2023	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind – Finance Manager
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer:	Edward Nind – Finance Manager
Author:	Lucia Scari – Senior Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (5 pages) List of Payments – Restricted Muni Account (2 page) Corporate Credit Card Statement May 2023 (4 pages) Credit Card Summary May 2023 (1 page)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please see the Finance Manager prior to the meeting so that a researched answer may be provided.

Summary

List of payments made in May 2023 for endorsement by Council.

Background Information

A list of payments submitted to Council on 20th June 2023, for confirmation in respect of accounts already paid or for the authority to those unpaid. (Please refer to Payment listing attached).

Officer Comment

Standard process of obtaining Council endorsement of payments.

Strategic & Social Implications N/A

Consultation N/A

Statutory Environment

A list of payments is required to be presented to Council as per section 13 of the Local Government (Financial Management) Regulations 1996.

Policy Implications

Council Policy No. 1.6.5 (e) states that a list of payments is required to be presented to Council each month in accordance with Financial Management Regulations 13(1) for recording in the minutes.

Financial Implications

All payments have been made in accordance with the 2022/2023 Budget.

OFFICER RECOMMENDATION

Council Decision Number – 05 06 2023

Moved: Cr Farina

Seconded: Cr Ventris

That the list of payments made in May 2023, be endorsed for payment.

Municipal Fund:

Muni EFTs	EFT 8047	to	EFT 8134	\$649,633.54
Muni Cheques	Chq 31951	to	Chq 31952	\$19,846.88
Muni Direct Debits (Superannuation, loans, leases)	DD 10369.1	to	DD 10432.10	\$19,745.65
Pays on (Not included on payment listing)	10/05/2023 & 24/05/2023			\$83,883.73
Total Municipal Funds				\$773,109.80

Restricted Muni Fund:

RMF EFTs	EFT -	to	EFT -	\$0.00
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 10332.10	to	DD 10462.1	\$29,534.40
Total Restricted Muni Funds				\$29,534.40

Carried 7 / 0

Cr Walker returned to the meeting at 2.10pm

Cr Ventris departed the meeting at 2.13pm

Cr Ventris returned to the meeting at 2.14pm

Cr Farina departed the meeting at 2.14pm

9.2.2 Monthly Statement of Financial Activity Report – 31 May 2023	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	13 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	Statement of Financial Activity – For the period ended 31 May 2023 (23 Pages) Schedules 2 to 14 For the period 1 July 2022 to 31 May 2023 (98 Pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please discuss these queries with the Finance Manager so that a researched answer may be provided for you.

Summary

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995 and Local Government (Financial Management Regulations 1996)*.

The Monthly Statement of Financial Activity Report attached for consists of;

Statement of Financial Activity comprising:

1. Acquisition of Assets
2. Disposal of Assets
3. Information on Borrowings
4. Reserves
5. Net Current Assets
6. Rating Information
7. Restricted Municipal and Trust Funds
8. Operating Statement
9. Statement of Financial Position
10. Financial Ratios
11. Grants Revenue
12. Bank Balances & Investment Information

Schedules 2 - 14

The “Amended Budget” figures in the Statement Of Final Activity have been updated with the amendments adopted on 21 March 2023.

Background Information

The new Local Government accounting requirements have been applied to this report to show a Rate Setting Statement by Nature (Formally "Nature and Type").

Unspent grants and prepayments received are identified in Note 5. "Net Current Assets" within the Statement of Financial Activity.

The NRM Grant conditions required us to recognise interest on the unspent grant. A final report for one of the grants has been submitted.

The "Original Budget" shown is that adopted on 23 August 2022, is based on a surplus carried forward of \$1,419,072 using end of year figures at the time of estimating.

The "Actual" brought forward surplus from 2021/2022 is \$1,397,667. This is the final audited result. This is reduction to the brought forward surplus of \$21,405 from the surplus upon which the budget was based. The factors contributing to this and the detail can be seen in Note 5. of the Financial Statements.

In March 2023 council adopted a number of amended budgets.

Based on the amendments adopted, which includes reduction of the brought forward surplus of \$21,405, the predicted end of year result will be a deficit of \$22,169.

The Community Resource Centre (CRC) account balances have not yet been recorded in the council ledger however the bank balances are disclosed under Note 1 "Bank Balances & Investment Information"

Officer Comment

At 30 June 2022 the audited end of month position is a surplus of \$1,397,667, this included \$1,297,671 advance Financial Assistant Grant payments for the 2022-2023 financial year. Without these advance payments of \$1,297,671 the surplus brought forward would be \$99,996.

At the time of writing no information is available about the Financial Assistant Grant payments for the 2023-2024 financial year except that we will not be receiving an advance payment in 2022-2023.

At 31 May 2023 the end of month position is a surplus of \$ 934,860. This now includes CRC assets and liabilities.

The reported variances are those to the Year To Date (YTD) "Original Budget".

Reported variations are based on the "Statement Of Financial Activity By Program" variations rather than on the "Statement Of Financial Activity By Nature".

Transactions include the second round of reserve transfers including all Budget and Amended Budget to reserve transactions and any budgeted transfers from reserve for which the related expenditure had been incurred. The transfer to reserves included a \$161,646 to the CRC Reserve.

Reserve transfers with respect to Joint Venture Reserves are yet to be finalised.

Strategic & Social Implications N/A

Consultation N/A

Statutory Environment

General Financial Management of Council, Council 2022/23 Budget, *Local Government (Financial Management) Regulations 1996, r34, Local Government Act 1995, section 6.4.*

Policy Implications

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council.

Council adopted a policy on 23 August 2022 that the material variation be set at \$10,000 and 10%.

Financial Implications

There is no direct financial implication in relation to this matter.

OFFICER RECOMMENDATION

Council Decision Number – 06 06 2023

Moved: Cr Bent

Seconded: Cr Paterson

That Council adopt the Monthly Financial Report for the period ending 31 May 2023 and note any material variances greater than \$10,000 and 10%.

Carried 7 / 0

9.2.3 Fees & Charges 2023-2024	
Location:	All of Shire
File Ref:	ADM 016
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Lucia Scari, Senior Finance Officer
Voting Requirements	Absolute Majority
Documents Attached	Proposed Fees & Charges for 2023/2024
Documents Tabled	Nil

Summary

To present Council with the proposed Fees & Charges for 2023/2024 for approval.

Background Information

The 2023/2024 Schedule of Fees and Charges have been reviewed and prepared by the Administration to include, but not limited to, the following changes. Generally fees and charges have been increased by an average of 5%.

Officer Comment

Each year Council is required to review the annual fees and charges which are incorporated into the Annual Budget Document. Fees and Charges for a small Wheatbelt Shire such as Mukinbudin represent a very small portion of income on a percentage basis of the total annual income.

This year the officer has taken into account the increase in demand for services and also the increase in costs such as fuel.

Consultation

Previous decisions of council.

Strategic & Social Implications

It is essential that all aspects are considered when Council sets the fees and charges. These include the demographic of the community, the ability to pay and the level and standard of service we as a Shire can provide to our community.

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

Levels of income from Fees and Charges to be raised.

Cr Farina returned to the meeting at 2.17pm

OFFICER RECOMMENDATION

Council Decision Number – 07 06 2023

Moved: Cr McGlashan

Seconded: Cr Bent

That Council adopt the Fees & Charges for 2023/2024 as presented with the addition of a single line item for all items included within the Community events kit, at a flat fee of Five Hundred Dollars (\$500.00) including gst.

Carried 8 / 0

9.2.4 Write off Sundry Debtor #365	
Location:	All of Shire
File Ref:	Sundry Debtors
Applicant:	Ed Nind, Finance Manager
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Ed Nind, Finance Manager
Author:	Lucia Scari, Senior Finance Officer
Voting Requirements	Absolute Majority
Documents Attached	Nil
Documents Tabled	Nil

CONFIDENTIAL ITEM

Statutory Environment

5.23. Meetings generally open to public

- (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; and
 - (b) the personal affairs of any person; and
 - (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; and
 - (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; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (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; and
 - (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; or
 - (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;

And

- (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.

OFFICER RECOMMENDATION

Council Decision Number – 08 06 2023

Moved: Cr Seaby

Seconded: Cr Ventris

That in accordance with section 5.23 (2) (a) of the Local Government Act 1995 that the meeting be closed to members of the Public as Agenda item 9.3.7 is deemed to be

- (b) the personal affairs of any persons:**

Carried 8 / 0

OFFICER RECOMMENDATION

Council Decision Number – 10 06 2023

Moved: Cr Walker

Seconded: Cr Paterson

That the meeting be reopened to members of the public.

Carried 8 / 0

9.2.5 Additional Transfer to Roadworks Reserve	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	13 June 2023
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary

It is proposed to:

Transfer to the “Roadworks Reserve” unspent budgeted footpath Capital Expenditure and some unspent budgeted Road Maintenance and/or Road Capital Expenditure for this and future years.

Rename and repurpose the “Roadworks Reserve” to the “Transport Infrastructure Reserve” as part of the 2023-2024 budget process. The purpose of the name change is to accurately reflect the purpose and broaden the scope of the application.

Background Information

There is currently a significant underspend in transport infrastructure as summarised below.

TRANSPORT INFRASTRUCTURE BUDGET AND EXPENDITURE TO 31 MAY 2023

	Original Budget	Amended Budget	31 May 2023 Actual	Predicted additional 2022-2023 Exp	Predicted Total 30 June 2023 Exp	Predicted Shortfall 30 June 2023
<u>Capital</u>						
Roads Capital Exp	\$1,291,720	\$1,340,313	\$1,117,441	\$32,000	\$1,149,441	\$190,872
Footpaths Capital Exp	\$50,000	\$50,000	\$0	\$0	\$0	\$50,000
<u>Subtotal Capital Expenditure</u>	<u>\$1,341,720</u>	<u>\$1,390,313</u>	<u>\$1,117,441</u>	<u>\$32,000</u>	<u>\$1,149,441</u>	<u>\$240,872</u>
<u>Operating</u>						
Rural Road Maint	\$491,035	\$491,035	\$256,137	\$70,000	\$326,137	\$164,898
Townsite Road Maint	\$35,000	\$35,000	\$23,915		\$23,915	\$11,085
<u>Subtotal Operating Exp</u>	<u>\$526,035</u>	<u>\$526,035</u>	<u>\$280,052</u>	<u>\$70,000</u>	<u>\$350,052</u>	<u>\$175,983</u>
TOTAL	<u>\$1,867,755</u>	<u>\$1,916,348</u>	<u>\$1,397,493</u>	<u>\$102,000</u>	<u>\$1,499,493</u>	<u>\$416,855</u>

The balance of the Roadworks Reserve at 31 May 2023 is \$32,588 and its purpose is “To be used for the renewal, upgrade, replacement and new construction of streets, roads, bridges, footpaths and storm water drainage”.

Officer Comment

Transport Infrastructure Reserve

The purpose of the Transport Infrastructure Reserve will be:

“To fund Transport Infrastructure and associated drainage construction and maintenance works.”

Effect

When funds are transferred reserve:

- These funds become restricted for the purpose defined.
- Reduce the brought forward surplus.
- Reduce the balance in the Municipal Bank Account.

An excessive brought forward surplus caused by underspend on capital is not good as it gives a false impression of surplus operating funds.

Implementation

Reserve entries can be “Cash Backed”, which is the normal practice, or a book entry where not all the Municipal funds or reserve funds are cash backed in the Bendigo Bank account for that purpose.

In determining the amount to be transferred we have to consider that the timing and amount of the 2023-2024 FAGs Grant which is currently unknown and that rates will probably not start coming in until August/September and the possibility of having to need the banks overdraft facility.

It is therefore proposed that \$100,000 be transferred to the “Roadworks Reserve” and cash backed in 2022-2023 and that a further, possibly a book transfer, be made when a more accurate end of year result is known.

Strategic & Social Implications

N/A

Consultation

Dirk Sellenger – Chief Executive Officer

Ed Nind – Finance Manager

Statutory Environment

General Financial Management of Council, Council 2022/24 Budget, *Local Government (Financial Management) Regulations 1996*, r17-18, *Local Government Act 1995*, section 6.11.

Policy Implications

Future Reserve management.

Financial Implications

Increased reserve funds and no excessive surpluses due to underspends on transport infrastructure.

OFFICER RECOMMENDATION**Council Decision Number – 11 06 2023****Moved: Cr Seaby****Seconded: Cr Farina****That Council**

- **Transfer to the “Roadworks Reserve”, with cash backing, the unspent budgeted footpath Capital Expenditure and \$50,000 of unspent budgeted Road Maintenance and/or Road Capital Expenditure**
- **Review the road expenditure near or after end of the 2022-2023 financial year and make a further transfer to the “Roadworks Reserve” if deemed appropriate by the CEO.**
- **Rename and repurpose the “Roadworks Reserve” to the “Transport Infrastructure Reserve” as part of the 2023-2024 budget process.**

Carried 8 / 0*Ed departed the meeting at 2.36pm*

9.3 Chief Executive Officer's Reports

9.3.1 Shire of Mukinbudin – Delegated Authority Register Annual Review	
Location:	All of Shire
File Ref:	ADM 309
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Register of Delegations – With Tracking Register of Delegations - FINAL
Documents Tabled	Nil

Summary

To present Council a request to review and adopt the Shire of Mukinbudin Delegated Authority Register for 2023/2024.

NB: To ensure the Shire meets its statutory compliance obligations this item must be adopted no later than the June 2023 Council Meeting or it may potentially be identified by Councils auditors as a matter of Non-Compliance (Please refer to reviewed and amended Delegations Register submitted as a separate attachment).

Background Information

Under the *Local Government Act 1995* there are basically two types of delegations Council may make:

- Delegations to a Committee of Council or
- Delegations to the CEO

Other Delegations made under the *Bush Fires Act 1954*, *Building Act 2011*, *Health Act 1911* and *Food Act 2008*.

- Delegations to Others such as Chief Bush Fire Control Officer

Section 5.8 of the *Local Government Act 1995* deals with Delegations to Committees of Council. Currently the Shire of Mukinbudin only has an Audit Committee that it may wish to delegate to.

The Shire of Mukinbudin Register of Delegations is attached as a separate attachment and was last reviewed on 17th May 2022. Section 5.46 (1) & (2) requires the Register of Delegations to be reviewed annually.

The *Local Government Act 1995* states the following for delegations to Committees of Council:
Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

A local government may establish* committees of 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.

* *Absolute majority required.*

5.16. *Delegation of some powers and duties to certain committees*

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

(a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and

(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. *Limits on delegation of powers and duties to certain committees*

- (1) A local government can delegate —

(a) to a committee comprising council members only, any of the council's powers or duties under this Act except —

(i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and

(ii) any other power or duty that is prescribed;

and

(b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and

(c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —

(i) the local government's property; or

(ii) an event in which the local government is involved.

(1) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

The *Local Government Act 1995* states the following for delegations to the CEO:

5.42. *Delegation of some powers and duties to CEO*

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —

conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. *Other matters relevant to delegations under this Division*

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984*—
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

5.46. *Register of, and records relevant to, delegations to CEO and employees*

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Audit Committee

7.1B. *Delegation of some powers and duties to audit committees*

- (1) Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.

** Absolute majority required.*

- (2) A delegation to an audit committee is not subject to section 5.17.

[Section 7.1B inserted by No. 49 of 2004 s. 5.]

Officer Comment

Council resolved at the April Ordinary Meeting of Council to develop a delegation to the CEO which allows some flexibility in the determination of fees to be charged to participants undertaking events/courses/workshops at the CRC.

Local Government Act Delegations
No 11 Variation of CRC Fees and Charges

Consultation

Dirk Sellenger – Chief Executive Officer
John Merrick – Acting Chief Executive Officer
Jessica McCartney – CRC Coordinator
Renee Jenkin – Manager of Corporate and Community Services
Lucia Scari – Senior Finance Officer

Strategic & Social Implications

This delegation will allow the CEO to vary fees and charges to participants of courses at the CRC to ensure that community benefits are achieved through higher participation in these events.

Statutory Environment

Local Government Act 1995, Sections 5.42, 5.43, & 5.44 and Sections 6.16, 6.17, 6.18 and 6.19.

Policy Implications

Nil

Financial Implications

This delegation has been developed to provide flexibility in the setting of fees for specific courses etc, to encourage increased community participation with minimal financial impact on Council revenue.

OFFICER RECOMMENDATION

Council Decision Number – 12 06 2023

Moved: Cr Farina

Seconded: Cr McGlashan

That Council adopts the reviewed Register of Delegations as presented.

Carried 8 / 0

9.3.2 Shire of Mukinbudin Policy Manual Annual Review	
Location:	All of Shire
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	2023 Shire of Mukinbudin Policy Manual – With Tracking 2023 Shire of Mukinbudin Policy Manual – V10 FINAL
Documents Tabled	Nil

Summary

It is necessary for the Council to review its Shire of Mukinbudin Policy Manual in the 2023/2024 year.

NB: To ensure the Shire meets its statutory compliance obligations this item must be adopted no later than the June 2023 Council Meeting. (Please refer to Policy Manual submitted as a separate attachment.)

Background Information

The Shire of Mukinbudin Policy Manual was last reviewed by Council on 17th May 2022. Council Policy currently states the following regarding the Policy Manual.

Policy Number: 1.1.8 Policy Change and Review

Policy Statement

- (1) That policies of Council be fully reviewed within 6 months of each Ordinary Local Government Election.*
- (2) New policies or changes to existing policy be made only by notice of motion or as a specific agenda item.*
- (3) All changes of policy be issued to Policy Manual holders for Manual update.*

Purpose

To provide for the periodic review of policies and provide a process under which new policies and amendments will not be made 'on the run'.

Officer Comment

The Policy Manual is reviewed annually, and changes are tracked in the attachment.

Consultation

Dirk Sellenger – Chief Executive Officer

Lucia Scari – Senior Finance Officer

Renee Jenkin – Manager of Corporate and Community Services

Ed Nind – Finance Manager

Strategic & Social Implications

2018-2028 Strategic Community Plan

Outcome 4.1 – Provide good strategic decision making, governance, leadership, and professional management

4.1.2 Manage the organisation in a transparent and accountable manner

Statutory Environment

Local Government Act 1995

Local Government Legislation Amendment Act 2019

Policy Implications

Updated Policy Manual

Financial Implications

Amendments in Policy Manual with financial implications will be reflected accordingly in the Council budget.

OFFICER RECOMMENDATION

Council Decision Number – 13 06 2023

Moved: Cr Bent

Seconded: Cr Ventris

That Council adopts the reviewed Shire of Mukinbudin Policy Manual as presented.

Carried 8 / 0

9.3.3 Shire Assistance Request – Mukinbudin Golf Club	
Location:	Mukinbudin Golf Course
File Ref:	ADM 255
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12 th June 2023
Disclosure of Interest:	Cr Steve Paterson – Impartiality Interest
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary

To allow Council to consider supporting the Mukinbudin Golf Club in the form of Mowing of the greens within a set Budget allocation.

Background Information

The following letter was recently received from the Mukinbudin Golf Club:

2 JUNE 2023
 PO Box 103
 MUNINBUDIN
 6479

DEAR DIRK & COUNCILLORS

I AM WRITING TO YOU ON
 BEHALF OF THE MUNINBUDIN GOLF CLUB REQUESTING
 ASSISTANCE WITH THE MOWING OF THE FAIRWAYS ON
 OUR GOLF COARSE.

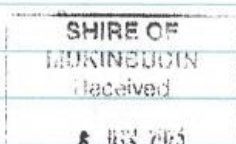
WE HAVE VERY FEW MEMBERS
 WHO ARE AVAILABLE TO MOW THE 18 FAIRWAYS WHICH
 IS VERY TIME CONSUMING. AT THE MOMENT I AM
 THE ONLY ONE DOING THE MOWING.

I ENVIAGE THE SHIRE WITH
 IT MOWER & OPERATOR HELPING OUT 2 OR 3 TIMES
 A SEASON DEPENDING ON THE GROWTH OF THE GRASS.

ASSISTANCE PRIOR TO OUR
 MAIN DAY THE WYWORRIE CUP, WHICH THIS YEAR IS
 ON FRIDAY THE 14TH OF JULY IS THE MAIN PRIORITY.

YOURS SINCERELY

STEVE PATERSON
 PRESIDENT MUNINBUDIN
 GOLF CLUB.



Officer Comment

The Shire provides most sporting clubs within the Shire with support and or assistance, whether this be the sweeping of the floor of the indoor court, dragging the Hockey Oval or maintaining the Oval, a precedent for sporting assistance by the Shire was set a long time ago within the Local Government sector. Very few local governments provide no assistance to the sporting clubs within their respective Shires either directly or indirectly.

The Golf club are not seeking that the Shire become responsible for the mowing of the 18 fairways which is essential to understand. The support the Golf Club is seeking includes the Shire operator and mower 2 or 3 times per season.

The author believes this assistance is both fair and achievable within the current staffing structure and the author has made clear that he would not like to see the offer of assistance increase from the original 2 to 3 days per year in the future.

Consultation

Mr Steve Paterson – Mukinbudin Golf Club President

Strategic & Social Implications

Supporting Local Sporting Clubs and Groups

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION

Council Decision Number – 14 06 2023

Moved: Cr Walker

Seconded: Cr Ventris

That Council make an allowance of two thousand dollars (\$2,000) in the 2023/3024 Budget to allow for assistance in the form of mowing of the fairways at the Mukinbudin Golf club upon request from the Golf Club and when convenient with Shire staff.

Carried 8 / 0

10. Elected Members Motions of which previous notice has been given

10.1 Nil

11. Urgent Business Approved by Person Presiding or by Decision

11.1 Nil

12. Closure of Meeting

12.1 The Chairperson, Cr Nicoletti, thanked Elected Members and Staff for attending and declared the meeting closed at 2.43pm.