



MINUTES

Ordinary Council Meeting

27 September 2023

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 2.30pm

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager
WSFN	Wheatbelt Secondary Freight Network
EPA	Environmental Protection Authority
DPIRD	Department of Primary Industries and Regional Development
HCWA	Heritage Council of Western Australia
WAPC	Western Australian Planning Commission
WDC	Wheatbelt Development Commission

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 27 September 2023 commencing at 2.30pm

1. DECLARATION OF OPENING

1.1 Opening

The Shire President declared the meeting open at 2.30pm.

2309-01 Officer Recommendation / Council Resolution

Moved: Cr S Woods

Seconded: Cr D Lovelock

That Council **ADJOURN** the meeting at 2.30pm until the IT issue with recording of the meeting is rectified.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Vote For	Vote Against
Cr P Bantock	
Cr N Clarke	
Cr D Lovelock	
Cr S Woods	
Cr G O'Brien	
Cr J Kelly	
Cr S Penn	

That Council **RESUME** the meeting at 2.32pm with the IT issue with recording of the meeting having been rectified.

1.2 Announcements by Shire President

This meeting is recorded for the purpose of minute taking & to allow public viewing online. The meeting shall be run in accordance with the Shire's Meeting Procedures Local Law 2018

I would also like to take this opportunity to make a couple of extra announcements. Firstly, today is a special day the Shire's CEO's Sean Fletcher. Happy Birthday Sean. We

thank you for guiding council through today's meeting and we wish you and your family well as you take some annual leave starting tomorrow. Hopefully some time to celebrate and relax.

I would also like to acknowledge that today is the last Ordinary Council meeting for the current council term. We have 4 Councillor's whose term expires in Oct. Our Deputy President Councillor Clarke has informed us that he will retire at the end of his term. On behalf of Council and our entire community across Victoria Plains, I thank you for giving your time, efforts and experience to the Shire over the last 8 years and for taking on the Deputy President role over 2 of those years. On a personal level I sincerely thank you for providing support to me during my time as Shire President, helping me share the workload.

In addition to Cr Clarke, we have 3 Councillors whose term expires in Oct - Cr O'Brien, Cr Kelly and myself, Councillor Bantock. All three have renominated for the Council election that culminates on the 21st Oct. However, we are also aware, there are only 2 positions to fill. Therefore, it's appropriate that I also say a sincere thank you to these Councillor's on behalf of Council and the Shire's community. Thank you for your dedication to the Shire and for the time and effort you have put in over your terms serving the Shire of Victoria Plains. I wish everyone well during the Local Government Election process.

2. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

Approval to Attend and Declaration of Confidentiality

THAT:

CR S PENN has been **APPROVED** to attend the 27 September 2023 Ordinary Council Meeting by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

3. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Shire President Cr N Clarke - Deputy Shire President Cr D Lovelock Cr S Woods Cr G O'Brien Cr J Kelly Cr S Penn – via teleconference
Staff attending	CEO – Mr S Fletcher Acting Works & Service Manager – Mr M Hyatt Environmental Health Officer – Mr G Houston Council Support Officer - Ms J Klobas
Apologies	N/A
Approved leave of absence	Nil
Visitors	Nil
Members of the public	Mrs Linda Fletcher

4. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

	<i>Type</i>	<i>Item</i>	<i>Person / Details</i>
4.1	Financial		Nil
4.2	Proximity		Nil
4.3	Impartiality		Nil

5. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

5.1 Public Questions With Notice

N/A

5.2 Public Questions Without Notice

Nil

6. PRESENTATIONS AND DEPUTATIONS

6.1 Presentations

Nil

6.2 Deputations

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. MINUTES OF MEETINGS

8.1 Confirmation of Council Meeting Minutes

2309-02	Officer Recommendation / Council Resolution
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Moved: Cr O’Brien

Seconded: Cr D Lovelock

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 23 August 2023*
- *Special Council Meeting held 8 September 2023*

as circulated, be **CONFIRMED** as a true and correct record,

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Vote For	Vote Against
Cr P Bantock	
Cr N Clarke	
Cr D Lovelock	
Cr S Woods	
Cr G O’Brien	
Cr J Kelly	
Cr S Penn	

9. REPORTS REQUIRING DECISION**9.1 Accounts for Endorsement – August 2023**

File reference	F1.8.4		
Report date	18 September 2023		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Coordinator Financial Services		
Senior Officer	Colin Ashe – Deputy Chief Executive Officer		
Authorised by	Sean Fletcher – Chief Executive Officer		
Attachments			
Attachment 1	Page	2	Public schedule

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for August 2023.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

Each month Council is to be advised of payments made during the preceding month, the amount, payee, date and reason for payment.

Please note a serial column has been added to the payment listing for ease of referencing specific line payment queries raised by council.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8(2)(b) – expenditure is to be reported to the next ordinary meeting of Council

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid –
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction
 - (2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o Minimum of 2 signatories with varying level of authorisation

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –

- 3.1 Purchasing Framework

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate.

FINANCIAL IMPLICATIONS

All payments are in accordance Council’s adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2309-03 Officer Recommendation / Council Resolution**Moved: Cr J Kelly****Seconded: Cr G O'Brien**

That the payments made for August 2023 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	12302 – 12350	237,187.57
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD14158-DD14166	174,489.70
Salaries & Wages EFT	PE 02/08/23, PE 16/08/23, 31/08/2023	169,697.28
Credit Card–Bendigo Bank-	DD14270.1	6,367.44
	DD14270.1	554.35
	DD14270.1	1,135.08
	DD14272.1	4.00
Fuel Card – Wright Express	DD14271.1	481.24
Trust Payments		0.00
TOTAL		\$589,916.66

Local Spending	\$	%
Local Supplier	19,471.62	3.30
Payroll	169,697.28	28.77
Total	189,168.90	32.07

**includes salary and wages deductions, and SGC

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Vote For	Vote Against
Cr P Bantock	
Cr N Clarke	
Cr D Lovelock	
Cr S Woods	
Cr G O'Brien	
Cr J Kelly	
Cr S Penn	

9.2 Monthly Financial Statements – August 2023

File reference	12.8.1		
Report date	18 Sep 2023		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Colin Ashe, DCEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	10	Monthly Financial Statements – 31 Aug 2023

PURPOSE

To receive the monthly financial statements for the period ending 31 Aug 2023.

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

COMMENT

The Aug 2023 Monthly Financial Statements has been fully prepared by shire Finance staff which meets compliance but is still being fine tuned to ensure it is fit for purpose to provide quality and understandable financial information.

The month of Aug 23 references an actual surplus of \$3,839,309 as shown of page 4 but noting as per last month, whilst rates have been raised as debtors this is not the cash position and will not turn into cash until payments are made, the first instalment or payment in full due 05 Sep 23.

The difference of \$703,191 against the budgeted surplus of \$3,136,118 and the actual surplus is dependent on the accounting treatment of contingent liabilities and Grants Commission 'prepayment' from 2022-23 (reflected in the difference between the opening funding surplus / deficit).

Annual Financial Statements are still being finalised with a draft will not be available until the end of Sep 23, coinciding with the audit visit planned for the 26 Sep 23. Once finalised this will have a direct impact on the opening funding surplus / deficit and therefore the current financial statements.

Note 10 provides the reportable variances greater than 10% is explained as follows:

INCOME:

- Grants, subsidies and contributions – primarily concerning grants commission. On a cash basis there is no issues, the monies were received in full on 30 Jun 23 (last FY). The variance is due to the accounting treatment, i.e. should it be reflected in last FY or this FY, also then having an effect on the contingent liabilities aspect.
- Other revenue – insurance claims that have been received, some from last FY which includes windscreen claims and the Calingiri Cemetery entry statement.

EXPENSE:

- Employee Costs – is 14% below budget primarily to timing of on cost aspects which has not been invoiced or active as yet such as FBT, workers compensation premiums and staff training.
- Utility Charges – 20% or \$4,750 over budget which is due to a timing issue of water and power charges. These costs don't always follow a linear FY i.e. the usage period may initially span two financial years.
- Interest Expenses – an error in a journal entry has caused an incorrect amount to be reflected. The first payment on loan 87 Plant Replacement was made in Aug 23 and accordingly, 50%, or \$30,331 should be reflected rather than \$9,167 (see note 8 on page 13)

Other Points of Interest;

- Part funding has been received from LRCI Ph 2 but with the expectation the full amount would have been paid upon submission of a final report. Unfortunately feedback from LRCI noted that the Mogumber toilets needed to be completed in full despite this not being part of submission.
- 50% deposit has been paid for the new council boardroom table with delivery expected in Nov 23.
- The Bolgart Ablution Block is now complete with a further \$39,070 spent as at 31 Aug 23. At the reporting date the total cost is \$228,379 over two FY, some \$4,210 over budget. There will be some further expenditure during Sep 23.
- Some road construction has commenced, mainly on the Wongan, Calingiri- Carami East Road intersection from Blackspot funding. As RFQ's have now been awarded, council should expect to see increased capital works expenditure in the coming months.
- Councils cash position balance is a healthy \$1,804,446 with a further \$1,255,192 in Reserves and \$760,300 in Restricted Funding.

CONSULTATION

Coordinator Financial Services
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

- r.34 – financial activity statement required each month and details of what is to be included.

CORPORATE CONTEXT

Delegations Register –
Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –
- 3 Financial Management

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls,	Policies and processes including preparation by Finance staff ensure that the residual risk is moderate.

	significant damages or penalties to Shire/Officers			managed by senior management / executive and subject to monthly monitoring	
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FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2309-04 Officer Recommendation / Council Resolution
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Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council **RECEIVE** the 31 Aug 2023 Monthly Financial Reports as presented.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Vote For	Vote Against
Cr P Bantock	
Cr N Clarke	
Cr D Lovelock	
Cr S Woods	
Cr G O'Brien	
Cr J Kelly	
Cr S Penn	

CONFIRMED MINUTES

9.3 Write off of Debt – Assessment A20471

File reference	12.7.1		
Report date	18 Sep 2023		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Senior Officer	Colin Ashe, DCEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	25	Brief – Rates Write Off A20471

PURPOSE

To write off legal costs incurred for the recovery of rates outstanding.

BACKGROUND

Section 6.12 (1) (c) of the Local Government Act 1995 provides a local government can write off any amount of money. The CEO has delegated authority to write off up to \$200 of which the amount requested exceeds this threshold amount.

COMMENT

During the 2022-23 financial year the rates section pursued rates outstanding on all applicable properties including rate assessment A20471. The process included a number of reminders through shire correspondence (including final notices) and telephone calls before referring to the debt collectors.

Once debt collectors are engaged there is also a number of reminders they undertake and sometimes property visits know as the General Procedure Claim (GPC) before it goes before the local courts.

Rates staff have followed the collection process however one of the failings of the system is if limited or no narration is made on payment, it cannot be identified which rate assessment to apply it to and hence has to remain unallocated. On this occasion, reminders and final notices appear to have been ignored of an outstanding amount with contact back to the shire only made after application to the court for recovery of the debt and subsequent notification through the legal system.

Once court action is instigated, the Local Government Act 1995 allows for these costs to be recovered and this was applied to rate assessment A20471. However the mitigating circumstance in this situation was that payment was made, albeit after the due date. Should this be taken back to court by the ratepayer, it may be found that ultimately payment was made and judgement against the shire for the original legal proceedings costs and the new costs.

A formal noting brief (attachment 1) was prepared detailing all the circumstances and with a recommendation for write off which was subsequently endorsed by the CEO. In particular the CEO advised he had experienced this type of action against local authorities before and the prime reason for his endorsement.

It should be noted that post the occupier visiting the shire, numerous telephone calls were made in an attempt to discuss and rectify the situation, but contact could not be made. It was only when rates for 23-24 were raised that the property owner made contact as the rate assessment still included the legal costs and the reason for the considerable time lag from the endorsed brief.

At that point the rate payer acknowledged the lack of detail on the payment advice and agreed to reimburse the shire for the General Procedure Claim and Penalty Interest.

The amount requested for write off is up to \$995.00 which is composed of court costs \$905.20 and further penalty interest of \$89.80 since the brief was written.

Processes have been improved where unallocated amounts are reviewed routinely and documented to reduce and risk to the shire of court findings. Ratepayers are continuously reminded through various media to ensure they place a reference number when making payment on any debt.

CONSULTATION

CEO
Rates Officer

STATUTORY CONTEXT

Section 6.12 (1) (c) of the Local Government Act 1995.

CORPORATE CONTEXT

Delegations Register –
3.6 - Write off of rate and sundry debts.

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

- N/A

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Financial Impact	Minor (2) \$10,000 - \$25,000	Unlikely (2) The event could occur at some time	Possible (3) The event should occur at some time	Operational Manager Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Policies and processes including sound agreements and follow up will ensure residual risk is acceptable.

FINANCIAL IMPLICATIONS

Noting staff were aware of this situation prior to endorsement of the 23-24 budget, provision has been made for this write off.

VOTING REQUIREMENTS

Absolute Majority Required: Yes

2309-05 Officer Recommendation / Council Resolution

Moved: Cr J Kelly

Seconded: Cr N Clarke

That Council **WRITE OFF up to \$995.00 on rate assessment A20471** as a negotiated outcome given the circumstances presented in the formal brief attachment 1.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

Vote For	Vote Against
Cr P Bantock	
Cr N Clarke	
Cr D Lovelock	
Cr S Woods	
Cr G O'Brien	
Cr J Kelly	
Cr S Penn	

10. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

12. MEETING CLOSED TO PUBLIC

N/A

13. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 2.41pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 25 October 2023, 2023.

Signed JABandock
(Presiding member at the meeting which confirmed the minutes)

Date 25 October 2023

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.