

MINUTES

12 DECEMBER 2023 – 9:00 AM
COUNCIL CHAMBERS



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Deputy Mayor
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Cr Clarence N Haydon
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Cr Nicole G Flute
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Cr Arthur W Bode
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Cr Trevor G Mitchell
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Erin Kinchela
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1. OPENING BUSINESS

Cr Jane McNamara (Mayor) opened the meeting with the Council Prayer

Lord,
Please guide and direct us,
In that the decisions to be made,
Will be for the benefit,
Of our whole community
Amen

1.1 PRESENT

Councillors

Mayor Jane McNamara
Kim Middleton
Kelly Carter
Clarence Haydon
Nicole Flute
Arthur Bode
Trevor Mitchell

Staff

Hari Boppudi - Chief Executive Officer
Misenka Duong - Director of Engineering
Melanie Wicks – Director of Corporate & Financial Services
Erin Kinchela – Acting Director of Community Services & Wellbeing
Jackie Coleman – Executive Support Officer

School Students

Nil

1.2 APOLOGIES

Nil

1.3 LEAVE OF ABSENCE

Nil

1.4 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 21 November 2023 be taken as read and signed as correct.

Resolution No: 3848

Moved Cr Arthur Bode

Seconded Cr Kim Middleton

That the Minutes of the Ordinary Meeting of Council held 21 November 2023 be taken as read and signed as correct.

CARRIED 7/0

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1.5 OBLIGATIONS OF COUNCILLORS

1.5.1 Prescribed Conflict of Interest - Sections 150EG, 150EH & 150EI Local Government Act 2009

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters).

When dealing with a Prescribed Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Prescribed Conflict of Interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Prescribed Conflict of Interest in a matter during a council meeting must immediately inform the meeting of the conflict of the interest.
- When notifying the meeting of a Prescribed Conflict of Interest, the following details must be provided:
 - if it relates to a gift or loan given by an entity - state the details of gift or loan
 - if it relates to a sponsored travel or accommodation benefit - state the benefit details
 - if it relates to a contract between the Councillor and Local Government or close associate of the Councillor – state details
 - if it relates to an application or submission - state the subject of the application or submission
 - if it relates to appointment/employment matters of Chief Executive Office position - state conflict details

The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.

Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

1.5.2 Declarable Conflict of Interest - Section 150EN Local Government Act 2009

Councillors are ultimately responsible for informing of any Declarable Conflict of Interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA.

When dealing with a Declarable Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Declarable Conflict of Interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Declarable Conflict of Interest in a matter during a council meeting must inform the meeting of the conflict of interest
- When notifying the meeting of a Declarable Conflict of Interest or it could be reasonably presumed that a conflict exists, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the Declarable Conflict of Interest in the public interest. The following details must be provided:
 - the nature of the Declarable Conflict of Interest
 - if it arises because of the Councillors relationship with a related party:
 - i. the name of the related party to the Councillor
 - ii. the nature of the relationship of the related party to the Councillor
 - iii. the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the Councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the Councillor or related party
 - iii. the nature of the other person's interest in the matter
 - iv. the value of the gift or loan and the date the gift or loan was made.

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After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

1.5.3 Procedure if no Quorum for Deciding Matter because of Prescribed Conflicts of Interest of Declarable Conflicts of Interest – Section 150EU Local Government Act 2009

(1) This section applies in relation to a meeting if:

(a) a matter in which 1 or more councillors have a prescribed conflict of interest or Declarable Conflict of Interest is to be decided at the meeting; and
(b) there is less than a quorum remaining at the meeting after any of the councillors mentioned in paragraph (a) leave, and stay away from, the place where the meeting is being held.

(2) The local government must do 1 of the following:

(a) delegate deciding the matter under section 257, unless the matter cannot be delegated under that section;
(b) decide, by resolution, to defer the matter to a later meeting;
(c) decide, by resolution, not to decide the matter and take no further action in relation to the matter.

(3) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or Declarable Conflict of Interest in the matter.

(4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or making a decision under subsection (2)(b) or (c).

1.5.4 Closed Meeting Discussion Items – Section 254J Local Government Regulation 2012

Council and standing committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

A Council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillors personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a Declarable Conflict of Interest or Prescribed Conflict of Interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the council must:

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

Note: None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

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To take a matter into a closed session the council must abide by the following:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- not make a resolution while in a closed meeting (other than a procedural resolution).

1.6 PETITIONS

Nil

1.7 CONDOLENCES

The family of Beryl Murray
The family of Ailsa Stainkey
The family of Russell Jonsson

1.8 RECOGNITIONS

The Flinders Shire community and its surroundings in the North West Region have been significantly impacted by bushfires. Property owners, locals, and emergency agencies have been instrumental in minimising the impact and protecting assets wherever possible. However, there is noticeable damage to farm infrastructure, fodder, and machinery on rural properties and in the National Parks.

In these challenging times, certain Council staff members demonstrated exceptional dedication by going above and beyond to support residents affected by the fires. They worked tirelessly day and night to control the fires and safeguard assets. Both the CEO and Mayor received calls from locals expressing gratitude for these individuals' outstanding efforts and commending the Council for its support.

During the December Council meeting, unanimous recognition was given to honour and appreciate the remarkable contributions of the following individuals. Certificates of Appreciation were presented to:

1. Wayne Brebner
2. Greg McDonald
3. William 'Bill' Brummell
4. Mark Brennan
5. Tyson Wieben
6. Damien Maas
7. Jamie Young

The Council extends heartfelt thanks for their unwavering commitment and exemplary service to the community during this challenging period.

1.9 ACKNOWLEDGEMENT OF COUNTRY

The Flinders Shire Council would like to acknowledge our Local First Nations People as well as the Yirendali people as the Traditional Owners and the oldest living culture of the Land on which our Council operates, and pay respect to Elders past, present and emerging.

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1.10 COUNCILLOR MEETING ATTENDANCE

Mayor Jane McNamara

- WQAC – 22/12/2023
- QRIDA & RFSC – 22/12/2023
- R & R Compact – 23/11/2023
- Rural & Remote Councils Compact Policy & Legislation Committee – 23/11/2023
- Major General Jake Elwood QRA – 24/11/2023
- LGAQ Deputation – 29/11/2023
- QCN update – 05/12/2023
- Future Drought Fund Resilience Planning – 06/12/2023
- AEC meeting – 07/12/2023
- Powerlink – 07/12/2023
- RADF Arts Advisory meeting – 07/12/2023
- LGAQ Policy Executive – 08/12/2023
- Plant Committee meeting – 11/12/2023

Councillor Kelly Carter

- NQSF AGM – 28/11/2023
- IT workshop – 04/12/2023
- Wild Dog Management Plan workshop – 04/12/2023
- Powerlink – 07/12/2023

Councillor Clarence Haydon

- Wild Dog Management Plan workshop – 04/12/2023
- QCN Update – 05/12/2023
- Plant Committee meeting – 11/12/2023

Deputy Mayor Kim Middleton

- NWQROC/RRTG meetings – 29 & 30/11/2023
- Wild Dog Management Plan workshop – 04/12/2023
- Powerlink – 07/12/2023

Councillor Nicole Flute

- CAN – 28/11/2023
- NQSF AGM – 28/11/2023
- NQSF Development – 28/11/2023
- IT workshop – 04/12/2023
- Wild Dog Management Plan workshop – 04/12/2023
- QCN update – 05/12/2023
- NQSF Sporting Schools – 05/12/2023
- Powerlink – 07/12/2023
- Plant Committee meeting – 11/12/2023

Councillor Arthur Bode

- Major General Jake Elwood QRA – 24/11/2023
- NWQROC/RRTG meetings – 29 & 30/11/2023
- Southern Gulf AGM – 23/11/2023
- Plant Committee meeting – 11/12/2023

Councillor Trevor Mitchell

- Southern Gulf AGM – 23/11/2023
- Major General Jake Elwood QRA – 24/11/2023
- IT workshop – 04/12/2023
- Wild Dog Management Plan workshop – 04/12/2023
- QCN update – 05/12/2023
- Powerlink – 07/12/2023
- Plant Committee Meeting – 11/12/2023

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2. REPORTS

2.01 CHIEF EXECUTIVE OFFICER

2.01.01 HUGHENDEN STATE SCHOOL

Background – Letter received from the school thanking Council for the past support with providing the Council bus for student pick-ups.

Due to the program being a success, the school is seeking Council's continued support in providing the bus again in 2024.

Officer's Recommendation – For Council discussion.

Resolution No: 3849

Moved Cr Arthur Bode

Seconded Cr Trevor Mitchell

Following a thorough review of Hughenden State School's request, Council has opted to maintain the 2023 arrangement into 2024. This entails providing the Council Community bus to the school every Monday, contingent upon availability, to facilitate school pick-ups and foster a positive beginning to the week. Furthermore, Council intends to initiate additional discussions with the school principal to develop a suitable strategy for the future. There will also be consideration of the potential to extend operating days to better cater to the needs of the school, the Council, and the community.

CARRIED 7/0

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2.02 CORPORATE AND FINANCE SERVICES

2.02.01 FINANCIAL REPORT

Background – In accordance with section 204 of the *Local Government Regulation 2012*, the Chief Executive Officer must present a financial report to the Council at its monthly ordinary meetings. Monthly financial reports consist of:

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv. Statement of Changes in Equity;

The following is a summary of the financial results as at 30 November 2023:

1. Statement of Comprehensive Income	
Total Recurrent Revenue	14,500,889
Total Recurrent Expenditure	14,537,320
Net Operating Result - Surplus/(Deficit)	(36,432)
Total Capital Income	275,597
Total Capital Expense	-
Net Result - Surplus/(Deficit)	239,166
2. Statement of Financial Position	
Total Current Assets	45,917,559
Total Non-Current Assets	274,553,300
Total Assets	320,470,859
Total Current Liabilities	3,994,512
Total Non-Current Liabilities	9,215,154
Total Liabilities	13,209,666
Net Community Assets	307,261,193
Asset Revaluation Surplus	116,783,769
Retained Surplus/(Deficiency)	190,477,423
Total Community Equity	307,261,193
3. Cash Flow Statement	
Cash at the beginning of the period	45,232,658
Total Payments Received	16,707,800
Total Payments Made	(18,907,557)
Cash as the end of the period	43,032,902

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Officer's Recommendation – That in accordance with Section 204 of the *Local Government Regulation 2012*, Council receives and approves the financial report, which includes the following statements, for the period ending 30 November 2023.

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv. Statement of changes in Equity.

Resolution No: 3850

Moved Cr Kim Middleton

Seconded Cr Kelly Carter

That in accordance with Section 204 of the Local Government Regulation 2012, Council receives and approves the financial report, which includes the following statements, for the period ending 30 November 2023.

- i. Statement of financial performance
- ii. Statement of financial position
- iii. Statement of cash flow
- iv. Statement of changes in Equity

CARRIED 7/0

2.02.02

AUDIT AND RISK COMMITTEE

Background – Council has established an internal audit function in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*. The primary objective of the Audit and Risk Committee is to provide oversight and advice to Council and the Chief Executive Officer on matters relating to internal audit, external audit, financial statements and reporting, risk management, internal controls, and legislative and policy compliance. An Audit and Risk Committee meeting was held on 30 October 2023 to consider the draft financial statements for the 2022-23 financial year and closing report from Queensland Audit Office. Minutes of this meeting are attached for consideration by Council.

Officer's Recommendation That Council receive and note the minutes of the Audit and Risk Committee meeting held on 30 October 2023.

Resolution No: 3851

Moved Cr Kim Middleton

Seconded Cr Nicole Flute

That Council receive and note the minutes of the Audit and Risk Committee meeting held on 30 October 2023.

CARRIED 7/0

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2.02.03 IT PROJECT – TELSTRA

Background – Council engaged Strategic Directions to assist with assessing Councils current IT environment / infrastructure. After a detailed review a series of recommendations were discussed. In order to minimise security risk to Council, retire legacy issues, implementation of the Microsoft 365 environment delivering a feature rich user experience including the use of MS Teams, Office 365, One Drive, and SharePoint. Council would proceed with implementing the below recommendations.

Recommendations:

- Authority and Content Manager to be moved to Civica cloud application environment (SaaS). Under new Civica SaaS contract.
- Intramaps and QGIS replaced or hosted in Azure datacentre.
- Engage managed service provider to configure and support Microsoft 365 environment for Council.
- Decommission Citrix.
- Utilise Microsoft 365 licensing and features to implement many controls required (2FA, patching, posture monitoring, security and access controls, Intune etc).
- Replace aged infrastructure.
- Develop a security improvement program.
- Engage Management Service Provider (MSP) – Experts to support environment.
- Policy, procedures and staff security awareness training.

Officer's Recommendation – That Council endorse the IT project/MSP and authorise the Chief Executive Officer to finalise and enter into a contract with Telstra under Local Buy arrangements NPN 1.18.

Resolution No: 3852

Moved Cr Trevor Mitchell

Seconded Cr Kelly Carter

That Council endorse the IT project/MSP and authorise the Chief Executive Officer to finalise and enter into a contract with Telstra under Local Buy arrangements NPN 1.18.

CARRIED 7/0

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2.03 ENGINEERING

Attendance – I Cr Kelly Carter declare that I have a Prescribed Conflict of Interest to item numbers 2.03.01 titled Request to Obtain Gravel and 2.03.02 titled Vehicle Concrete Crossover Subsidy Program (as defined by Section 150EG of the Local Government Act 2009) due to a close relationship with the applicants and left the meeting at 9:34am taking no part in the debate or decision of the meeting.

2.03.01 REQUEST TO OBTAIN GRAVEL

Background – Council officers have been provided a brief of the project and have received a request from G & R Sealy and to obtain up to 1,000 tonnes of gravel to create a level gravel base on their block at 18 Resolution Street, Hughenden for the future establishment of a short- term accommodation complex.

Officer's Recommendation – That Council grant the request from G & R Sealy to obtain gravel subject to the following conditions:

- Must only be utilised for a level gravel base at 18 Resolution Street, Hughenden
- Gravel must be taken from within the bounds of the Aerodrome Pit as given in Flinders Shire Council's Quarry Management Plan
- The landholder is responsible for all work involved with the winning and cartage of the gravel from the pit to their property
- The maximum amount of gravel to be taken is 1,000t. Any unused gravel to be returned to Council at landholders expense
- The landholder must keep a record of weighbridge dockets tallying the total amount of gravel taken and provide to Council upon completion
- Statutory declaration to be signed to agree not to on-sell gravel

Resolution No: 3853

Moved Cr Trevor Mitchell

Seconded Cr Kim Middleton

That Council grant the request from G & R Sealy to obtain gravel subject to the following conditions:

- Must only be utilised for a level gravel base at 18 Resolution Street, Hughenden
- Gravel must be taken from within the bounds of the Aerodrome Pit as given in Flinders Shire Council's Quarry Management Plan
- The landholder is responsible for all work involved with the winning and cartage of the gravel from the pit to their property
- The maximum amount of gravel to be taken is 1,000t. Any unused gravel to be returned to Council at landholders expense
- The landholder must keep a record of weighbridge dockets tallying the total amount of gravel taken and provide to Council upon completion
- Statutory declaration to be signed to agree not to on-sell gravel

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Mayor Cr. Jane McNamara, Deputy Mayor Cr. Kim Middleton, Cr Clarence Haydon, Cr. Nicole Flute, Cr. Arthur Bode, Cr. Trevor Mitchell.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

CARRIED 6/0

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2.03.02 VEHICLE CONCRETE CROSSOVER SUBSIDY PROGRAM

Background – Council has received a Vehicle Concrete Crossover Subsidy Application, as listed:

NAME	ADDRESS
G & R Sealy	18 Resolution Street

Officer's Recommendation – That Council note and approve the Vehicle Concrete Crossover Subsidy application, as presented and notify the applicants of the outcome with the works to be completed as per the Council Policies and Procedures.

Resolution No: 3854

Moved Cr Trevor Mitchell

Seconded Cr Arthur Bode

That Council note and approve the Vehicle Concrete Crossover Subsidy application, as presented and notify the applicants of the outcome with the works to be completed as per the Council Policies and Procedures.

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Mayor Cr. Jane McNamara, Deputy Mayor Cr. Kim Middleton, Cr Clarence Haydon, Cr. Nicole Flute, Cr. Arthur Bode, Cr. Trevor Mitchell.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

CARRIED 6/0

Attendance – Cr Kelly Carter returned to the meeting at 9:44am

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2.03.03 TENDER 102.2023.6 – SUPPLY AND DELIVERY OF A VIBRATING DRUM ROLLER

Background – Tender 102.2023.6 for the Supply and Delivery of a Vibrating Drum Roller. Tenders closed on Thursday, 16 November 2023 on Vendorpanel, Council received eight tenders.

TENDERER	OFFER	MAKE	MODEL	PRICE PER UNIT INCL GST	LESS TRADE IN UNIT 403	NET PRICE
Wirtgen Group	1	HAMM	HC180	\$348,150.00	\$	\$348,150.00
	2	HAMM	HT3516	\$283,800.00	\$	\$283,800.00
Uptime Machinery	1	LIUGONG	6615E	\$149,600.00	\$11,000.00	\$138,600.00
Honeycombes Sales & Services	1	AMMANN	ARS170 ST5	\$282,792.06	\$27,500.00	\$255,292.06
	2	AMMANN	ARS1200 T3	\$322,439.79	\$27,500.00	\$294,939.79
Hastings Deering	1	CAT	CS68B	\$251,075.00	\$24,585.00	\$226,490.00
G.C.M Agencies	1	MULTIPAC	115H-2	\$185,900.00	\$30,800.00	\$155,100.00
Construction Equipment Australia	1	DYNAPAC	CA5000D	\$280,830.00	\$55,000.00	\$225,830.00
Conplant	1	WACKER NEUSON	RC130-2 T3	\$229,400.00	\$59,400.00	\$170,000.00
	2	WACKER NEUSON	RC180-2 T3	\$247,830.00	\$59,400.00	\$188,430.00
Tutt Bryant	1	BOMAG	BW216D-5	\$299,145.00	\$44,000.00	\$255,145.00
	2	BOMAG	BW216D-5SL	\$268,620.00	\$44,000.00	\$224,620.00

Officer's Recommendation – That Council note and accept the Plant Committee resolution from the meeting held on 11 December 2023 to purchase the Caterpillar CS68B Vibrating Drum Roller for \$251,075.00 from Hastings Deering less trade in Unit 457, Bomag BW216-D4 Vibrating Roller for \$24,585.00. Change over price \$226,490.00 inc GST.

Resolution No: 3855

Moved Cr Clarence Haydon

Seconded Mayor Jane McNamara

That Council note and accept the Plant Committee resolution from the meeting held on 11 December 2023 to purchase the Caterpillar CS68B Vibrating Drum Roller for \$251,075.00 from Hastings Deering less trade in Unit 457, Bomag BW216-D4 Vibrating Roller for \$24,585.00. Change over price \$226,490.00 inc GST.

CARRIED 7/0

2.04 COMMUNITY SERVICES AND WELLBEING

- Nil Required

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3. CLOSED BUSINESS

That Council close the meeting to the public at under section 254J Local Government Regulations 2012.

Resolution No: 3856

Moved Cr Arthur Bode

Seconded Cr Kelly Carter

That in accordance with section 254J(3)(e) of the Local Government Regulation 2012, the General Meeting of Council was closed to the public at 9:50am for the discussion of the following matter:

- Debt Write-Off – AR1652.03

CARRIED 7/0

Resolution No: 3857

Moved Cr Arthur Bode

Seconded Cr Nicole Flute

That in accordance with section 254J(3)(e) of the Local Government Regulation 2012, the General Meeting of Council was reopened to the public at 9:58am for the taking of resolutions.

CARRIED 7/0

3.01.01 DEBTOR WRITE-OFF – AR1652.03- \$6,579.04

Background – Debt owing for services provided in during 2022 through the Home Care Program delivered by Community Care.

This debt relates to an amount owed by a client, who participated in Council's Home Care Package ("HCP") delivered by Flinders Shire Council Community Care. The debt relates to income test fees incurred as part of the delivery of services to the client under the HCP, which were not paid.

After seeking payment of the amount, the client, both directly and through an advocate at ADA Australia, has disputed payment of the amount on a range of bases, including that Council failed to discharge its legal obligations, including under the Australian Consumer Law and the *Aged Care Act 1997*, in levying the payment against the client. Specifically, it is alleged that the client was not properly informed about the costs consequences of joining the HCP and was not aware that the income test fees would be payable.

On 9 November 2023, Council received a notification that the client has made a complaint to the Aged Care Quality and Safety Commission ("Commission"), a Commonwealth Government regulator.

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Council has reviewed the file and sought legal advice about the matter, and it is noted that:

- Legally, it is the case that :
 - Council has an obligation not to engage in misleading and deceptive conduct under the Australian Consumer Law;
 - Council has an obligation, as a home care provider, to assist clients in understanding the terms of their agreement, including the requirement to pay fees;
 - the Aged Care Quality Standards, to which Council is bound, required the client to be adequately informed about payment arrangements.
- There are some gaps in Council's records that make it difficult to clearly demonstrate that each of these obligations have been fully discharged.
- From a commercial perspective, Council will incur cost with responding to and defending the complaint made to the Commission, if payment is pressed and the complaint is not withdrawn. Council has already incurred some cost associated with establishing its legal position.
- There are reputational issues for Council regardless of how it proceeds here, and in that regard:
 - There are potential reputational issues, with respect to pursuing a former resident of its aged care facility for indebtedness that is disputed;
 - Likewise, there are reputational issues associated with writing off a debt in circumstances where it is being alleged that Council has not discharged a duty that it owed to the debtor.

On balance, the officer's recommendation to write off the debt is informed by:

- the commercial factors associated with the quantum of the debt and the costs associated with continuing to engage in this dispute;
- the legal risks to Council of pressing with the dispute in circumstances where Council's records do not comprehensively show how Council has discharged its legal obligations.

Officer's Recommendation – That Council, having regard to the matters raised in this Report, resolves to write off amount owing on AR1652.03 of \$6,579.04.

Resolution No: 3858

Moved Cr Arthur Bode

Seconded Cr Trevor Mitchell

That Council, having regard to the matters raised in this Report, resolves to write off amount owing on AR1652.03 of \$6,579.04.

CARRIED 7/0

MINUTES

12 DECEMBER 2023– 9:00 AM

COUNCIL CHAMBERS



4. PROPOSED MEETING CALENDAR

DATE	TIME	MEETING VENUE	TOPIC
Monday 11 December 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 12 December 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 15 January 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 16 January 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 19 February 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 20 February 2024	9:00am – 12:20pm	Council Chambers	Council Meeting
Monday 11 March 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 12 March 2024	9:00am – 12:20pm	Council Chambers	Council Meeting
Monday 15 April 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 16 April 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 20 May 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 21 May 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 17 June 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 18 June 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 15 July 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 16 July 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 19 August 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 20 August 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 16 September 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 17 September 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 14 October 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 15 October 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 18 November 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 19 November 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 09 December 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 10 December 2024	9:00am – 12:30pm	Council Chambers	Council Meeting

MINUTES
12 DECEMBER 2023– 9:00 AM
COUNCIL CHAMBERS



The meeting closed at 10:00am

Jane McNamara
Mayor
Flinders Shire Council

Confirmed Minutes