



Confirmed Minutes
ORDINARY MEETING
OF COUNCIL

18 July 2023

SHIRE OF CUE
Ordinary Meeting of Council
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday, 18 July 2023 commencing at 6:00 PM

1 DECLARATION OF OPENING

The meeting was opened at 06:00PM

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

Shire President Ross Pigdon
Deputy Shire President Les Price
Councillor Ron Hogben **via Teams*
Councillor Ian Dennis
Councillor Leonie Fitzpatrick
Councillor Julie Humphreys

STAFF:

Chief Executive Officer Richard Towell
Deputy Chief Executive Officer Glenn Boyes
Executive Assistant Janelle Duncan

GALLERY:

Mrs Jacqui Towell - *entered the chambers at 6.12pm*

2 APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor Elizabeth Houghton (Apology)

3 DISCLOSURE OF MEMBER'S INTERESTS

Nil

4 PUBLIC QUESTION TIME

Nil

5 CONFIRMATION OF MINUTES

Council Decision: 02072023 **Voting Requirement: Simple Majority**

MOVED: Cr Ian Dennis

SECONDED: Cr Leonie Fitzpatrick

That the Minutes of Ordinary Meeting 20 June 2023 are confirmed as a true and correct record of the meeting.

CARRIED: 6/0

AGAINST: None

5.1 CONFIRMATION OF MINUTES

Council Decision: 03072023 **Voting Requirement: Simple Majority**

MOVED: Cr Julie Humphreys

SECONDED: Cr Ron Hogben

That the Minutes of Special Meeting 03 July 2023 are confirmed as a true and correct record of the meeting.

CARRIED: 6/0

AGAINST: None

Note: Cr Leonie Fitzpatrick stated she did not attend this meeting

6 APPLICATION FOR LEAVE OF ABSENCE

Nil

7 DEPUTATIONS

Nil

8 PETITIONS

Nil

9 ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10 REPORTS

10.1 ACCOUNTS AND STATEMENTS OF ACCOUNT

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 7 July 2023

Matters for Consideration:

To receive the attached List of Accounts Due and submitted to the Ordinary Council Meeting on 18 July 2023.

Background:

The Local Government, under its delegated authority to the CEO to make payments from municipal and trust funds, is required to prepare a monthly list of accounts showing each account paid and present it to Council at the next Ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Comments:

The list of accounts are for the month of June 2023.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 13.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Richard Towell, Chief Executive Officer

Officers Recommendation: **Voting Requirement:** Simple Majority

That Council endorse the attached payments for the period 01 June 2023 - 30 June 2023, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

JUNE 2023

Municipal Fund Bank EFTs	12113 - 12203	\$	667,548.21
Direct Debit Fund Transfer	General	\$	33,073.15
Direct Debit Fund Transfer	Credit Card	\$	12,099.56
Payroll		\$	127,548.62
BPAY		\$	23,908.62
Cheques		\$	0.00
Total		\$	864,178.16

06:12pm Mrs Jacqui Towell entered the chambers

Council Decision: 04072023	Voting Requirement: Simple Majority
MOVED: Cr Ian Dennis	SECONDED: Cr Julie Humphreys
That Council endorse the attached payments for the period 01 June 2023 - 30 June 2023, which have been made in accordance with delegated authority under s5.42 of the <i>Local Government Act 1995</i> .	
JUNE 2023	
Municipal Fund Bank EFTs	12113 - 12203 \$ 667,548.21

Direct Debit Fund Transfer	General	\$	33,073.15
Direct Debit Fund Transfer	Credit Card	\$	12,099.56
Payroll		\$	127,548.62
BPAY		\$	23,908.62
Cheques		\$	0.00
Total		\$	864,178.16
CARRIED: 6/0			
AGAINST: None			

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 7 July 2023

Matters for Consideration:

The Statement of Financial Activity is for the period ending June 2023 and includes the following reports:

- Statement of Financial Activity
- Major Variances
- Net Current Funding Position
- Cash and Investments
- Trust Fund
- Cash Backed Reserve
- Receivables
- Capital Disposals
- Borrowings
- Capital Acquisitions
- Rate Revenue
- Grants and Contributions

Background:

Under the *Local Government (Financial Management) Regulations 1996*, a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within two months after the end of the month to which the statement relates. The Statement of Financial Activity presents an overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.

Comments:

The Statements of Financial Activity is for the month of June 2023.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 14.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Richard Towell – Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council receive the attached Financial Statements, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending June 2023.

Council Decision:05072023	Voting Requirement: Simple Majority
MOVED: Cr Julie Humphreys	SECONDED: Cr Ian Dennis
That Council receive the attached Financial Statements, prepared in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> , for the period ending June 2023.	

CARRIED: 6/0 AGAINST: None

10.3 REVIEW THE SHIRE OF CUE LOCAL LAWS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil.

AUTHOR: Richard Towell

DATE: 11 July 2023

Matters for Consideration:

Commencing the process to review the Shire of Cue Local Laws.

Background:

Pursuant to *Section 3.16* of the *Western Australian Local Government Act 1995*, a Local Government is required to periodically review its local laws. The review should be undertaken within 8 years from the time of the gazettal of the local law or acceptance of a report of a review of the local law. The aim of a review is to determine whether or not a Local Government considers that a local law should be retained unchanged, be repealed or be amended.

The Shire of Cue last resolved to undertake a review of their local laws in February 2014. Council advertised the review of their local laws, however the results of this review do not appear to be reported back to Council.

Comments:

The review of the local laws is a statutory requirement. The advertising and public consultation process is to be for a period not less than six weeks including input from staff to determine the relevance and effectiveness of the local laws.

Statutory Environment:

Local Government Act 1995, Section

1.1.1 3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give local public notice stating that -*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023-2038

Outcome 2.1 – A strategically focused and unified Council functioning efficiently

Strategy 2.1.2 – Continue to improve and review organisational plans

Strategy 2.1.3 – Maintain accountability and financial responsibility

Consultation:

James McGovern – Manager Governance and Procurement, WALGA

Anthony Quahe – Civic Legal

Officers Recommendation:

Voting Requirement: Simple Majority

That Council:

Give local public notice of its intention to review all the Shire of Cue Local Laws, pursuant to the requirements of the Local Government Act 1995 including;

Cue Bush Fire Brigade Local Law 1942

Activities in Thoroughfares and Public Places and Trading Local Law 2001

Dogs Local Law 2001

Cue-Day Dawn Cemetery Local Law 2001

Standing Orders Local Law 2015

Council Decision: 06072023

Voting Requirement: Simple Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Julie Humphreys

That Council:

Give local public notice of its intention to review all the Shire of Cue Local Laws, pursuant to the requirements of the Local Government Act 1995 including;

Cue Bush Fire Brigade Local Law 1942

Activities in Thoroughfares and Public Places and Trading Local Law 2001

Dogs Local Law 2001

Cue-Day Dawn Cemetery Local Law 2001

Standing Orders Local Law 2015

CARRIED: 6/0

AGAINST: None

10.4 LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996 - REG 17

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil.

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 14 July 2023

Matters for Consideration:

To receive the attached report from the Audit Committee regarding risk management and internal controls to address the risks.

Background:

The Department of Local Government introduced Regulation 17 into the *Local Government (Audit) Regulations 1996*. In order to satisfy the regulation the Shire is required to undertake a review of its systems and procedures not less than once in every 3 financial years.

The report provides an overview of key risks, controls and indicators to provide CEOs a simple insight to the appropriateness and effectiveness of risk management and internal controls that can be used to satisfy the regulation.

Regulation 16(c) of *Local Government (Audit) Regulations 1996* requires the audit committee to review and report to Council the results of the review and provide Council a copy of the report.

Comments:

Civic Legal undertook the review of the Shire's systems and procedures in June 2023. The findings of the report are outlined in section 5.2 Risk Management - Table of Results. The Shire has provided comments and prioritised the suggested actions on text boxes to the right of each reviewed system. The Shire has marked the following items as high and plans to complete the action within the next twelve months:

1. Prepare a Risk Policy and Register
-

2. Modernise the Business Continuity and Disaster Management Plan
3. Update the Policy Manual
4. Review of the Local Laws

If time permits the Shire will continue working on the other suggested actions in the report. Otherwise they will be addressed in future years.

Statutory Environment:

Regulation 17 of the Local Government (Audit) Regulations 1996

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to -
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

Local Government (Audit) Regulations 1996 r.16(c)

An audit committee has the following functions -

- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to -
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council

Policy Implications:

Nil.

Financial Implications:

Future budget allocations

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 - 2038

Outcome 2.1.2 Continue to improve and review organisational plans

Outcome 2.1.3 Maintain accountability and financial responsibility

Consultation:

Richard Towell - Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council receive the report from the Audit Committee on the review of systems and procedures required under Regulation 17 of the *Local Government (Audit) Regulations 1996*.

Council Decision: 07072023

Voting Requirement: Simple Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Ron Hogben

That Council receive the report from the Audit Committee on the review of systems and procedures required under Regulation 17 of the *Local Government (Audit) Regulations 1996*.

CARRIED: 6/0

AGAINST: None

10.5 REVIEW OF THE DELEGATIONS REGISTER

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell

DATE: 11 July 2023

Matters for Consideration:

Endorsement of the Register of Delegations.

Background:

Council is required to review its Delegations to the Chief Executive Officer at least once in every financial year.

The register of Delegations to the Chief Executive Officer was adopted on 19 May 2015 and last reviewed on 19 July 2022.

Comments:

A copy of the current register of Delegations is attached. No amendments are proposed.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 5.42

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.*

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

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.*

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Nil.

Officers Recommendation:

Voting Requirement: Absolute Majority

That Council endorse the Register of Delegations to the Chief Executive Officer identified in the annual review, as attached.

Council Decision:08072023	Voting Requirement: Absolute Majority
MOVED: Cr Julie Humphreys	SECONDED: Cr Ian Dennis
That Council endorse the Register of Delegations to the Chief Executive Officer identified in the annual review, as attached.	
CARRIED: 5/1	
AGAINST: Councillor Fitzpatrick	

10.6 MURCHISON REGIONAL VERMIN COUNCIL TRANSITION

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell
DATE: 11 July 2023

Matters for Consideration:

That Council consider the proposal from the Murchison Regional Vermin Council to transition to a Regional Subsidiary.

Background:

The Murchison Regional Vermin Council (MRVC) has been exploring alternative governance structures to simplify their operations. The MRVC currently operates as a Regional Council which binds them under the *Local Government Act 1995* and imposes the same regulation and financial reporting obligations on them as a local government.

Over the last couple of years, the MRVC have looked at different governance structures. One option was to merge with the Meekatharra Rangelands Biosecurity Association and be governed under the *Associations Incorporations Act 2015*. The second option is to become a Regional Subsidiary under the *Local Government Act 1995* and be governed by the *Local Government (Regional Subsidiaries) Regulations 2017*.

Comments:

The MRVC has provided for consideration the attached Business Plan and Regional Subsidiary Charter as a potential future governance model of the MRVC.

At their Ordinary Meeting on the 14th June 2023 the MRVC unanimously resolved the following:

“That Council determines to progress the transition to a Regional Subsidiary and authorises the CEO to forward the Business Plan considered at the December 2022 Ordinary Meeting and the attached draft Charter to member councils for consideration in accordance with Section 4 of the Local Government (Regional Subsidiaries) Regulation 2017.”

The charter was prepared by the Western Australian Local Government Association (WALGA) with changes by the MRVC have been tracked.

The proposed business plan is required to be made available to the public for comment and consultation with the community is required prior to applying to the Minister to form the Regional Subsidiary.

Statutory Environment:

1.1.2 Local Government Act 1995,

1.1.3 Section 3.69. Regional subsidiaries

- (1) Two or more local governments making arrangements under which they are to provide a service or carry on an activity jointly may, with the Minister's approval and in accordance with the regulations, form a subsidiary body (called a **regional subsidiary**) to provide that service or carry on that activity.
-

- (2) If the Minister approves the formation of a regional subsidiary, the Minister must, by notice in the *Gazette*, declare that the regional subsidiary is established -
 - (a) on the date set out in the notice; and
 - (b) under the name set out in the notice.
- (3) A regional subsidiary -
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) is to have a governing body consisting of members appointed in accordance with the regional subsidiary's charter (as approved by the Minister in accordance with section 3.70(3)).
- (4) Without limiting subsection (3)(b), a governing body may consist of or include members who are not council members or employees.

1.1.4 3.70. Regional subsidiaries to have charter

- (1) Local governments proposing to form a regional subsidiary must prepare a charter addressing the following matters -
 - (a) the establishment and powers and duties of the regional subsidiary;
 - (b) the process for selecting and appointing members of the regional subsidiary's governing body;
 - (c) the qualifications that members of the regional subsidiary's governing body must have;
 - (d) the administration of the regional subsidiary, including the membership and procedures of its governing body, and the fees, allowances and expenses to be paid or reimbursed to the members of its governing body;
 - (e) the financial management, planning, auditing and reporting to be undertaken by the regional subsidiary;
 - (f) the process for amending the charter;
 - (g) the winding up of the regional subsidiary;
 - (h) any other matters required by the regulations to be dealt with in a charter.
- (2) The local governments must forward the charter to the Minister when applying for approval for the formation of the regional subsidiary.
- (3) A charter, and an amendment to a charter, are of no effect unless approved by the Minister.

1.1.5 3.70A. Audit requirements for regional subsidiaries

- (1) Section 7.1 and the provisions of Part 7 Divisions 3A to 4 apply in relation to a regional subsidiary as if the regional subsidiary were a local government.
-

- (2) The application of a provision under subsection (1) is subject to any prescribed or necessary modifications to the provision provided for in the regulations.

1.1.6 3.71. Regulations about regional subsidiaries

Regulations may -

- (a) regulate the procedure for applying to the Minister for approval for the formation of a regional subsidiary; and
- (b) require the local governments proposing to form a regional subsidiary to consult with the community in their districts in accordance with the regulations; and
- (c) provide that a specified provision of this Act applies in relation to a regional subsidiary subject to any prescribed or necessary modifications; and
- (d) provide for or regulate any other matter that is necessary or convenient to be provided for or regulated in respect of a regional subsidiary.

1.1.7 3.72. Other provisions and arrangements not affected

- (1) Section 3.69 has effect in addition to the provisions of this Division relating to regional local governments, and does not derogate from those provisions.
- (2) Nothing in section 3.69 prevents local governments from making arrangements under which -
 - (a) a local government provides a service or carries on an activity for another local government; or
 - (b) local governments provide a service or carry on an activity jointly without forming a regional subsidiary.

Local Government (Regional Subsidiaries) Regulations 2017

1.1.8 4. Community consultation about formation of regional subsidiary

- (1) *In this regulation -*
 - significant change**, in relation to the proposal to form a regional subsidiary, means -
 - (a) *the inclusion of a further participant with the participants that propose to form the regional subsidiary; or*
 - (b) *the withdrawal of a participant from the participants that propose to form the regional subsidiary; or*
 - (c) *an amendment to the business plan prepared under subregulation (3) relating to the proposed functions of the regional subsidiary.*

- (2) *Before applying to the Minister for approval for the formation of a regional subsidiary, the participants are required to consult with the community in their districts in accordance with this regulation.*
- (3) *The participants must prepare a business plan that includes an overall assessment of the formation of the regional subsidiary and is to include details of -*
 - (a) *its expected effect on the provision of facilities and services by the participants; and*
 - (b) *its expected effect on other persons providing facilities and services in the participants' districts; and*
 - (c) *its expected financial effect on the participants; and*
 - (d) *its expected effect on matters referred to in each participant's current plan prepared under section 5.56; and*
 - (e) *the service that is proposed to be provided, or the activity that is proposed to be carried on, by the regional subsidiary; and*
 - (f) *why the regional subsidiary is proposed to be formed to provide that service or carry on that activity.*
- (4) *Each participant must publish the business plan on its official website and make copies of the plan available for inspection at its office.*
- (5) *Each participant must give local public notice of the proposal to form a regional subsidiary in accordance with a business plan, stating that -*
 - (a) *submissions about the proposal may be made to the participant before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *the business plan has been published on its official website and copies of it are available for inspection at its office.*
- (6) *After the last day for submissions, each participant must consider any submissions made to the participant.*
- (7) *If, having considered any submissions made, the participants decide to proceed with the proposal or with a proposal that does not involve a significant change in what was proposed, the participants may apply to the Minister for approval for the formation of the regional subsidiary, subject to compliance with section 3.70(2).*
- (8) *If, having considered any submissions made, the participants decide to proceed with a proposal that involves a significant change in what was proposed, the participants must -*
 - (a) *prepare a revised business plan; and*
 - (b) *comply with this regulation in respect of the revised business plan and the new proposal.*

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Geoff Brooks – Chief Executive Officer, Murchison Regional Vermin Council.

Officers Recommendation:

Voting Requirement: Simple Majority

That Council authorise the Chief Executive Officer to provide local public notice of the Murchison Regional Vermin Council proposal to become a Regional Subsidiary and make available its associated business plan.

Council Decision: 09072023 **Voting Requirement:** Simple Majority

MOVED: Cr Julie Humphreys

SECONDED: Cr Ian Dennis

That Council authorise the Chief Executive Officer to provide local public notice of the Murchison Regional Vermin Council proposal to become a Regional Subsidiary and make available its associated business plan.

CARRIED: 6/0

AGAINST: None

11 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13 NEW BUSINESS OF AN URGENT NATURE

Nil

13.1 APPLICATION OF THE COMMON SEAL

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell
DATE: 18 July 2023

Matters for Consideration:

Authorisation for application of the common seal to the transfer of land for non payment of rates under the *Local Government Act 1995*.

Background:

At the Ordinary Meeting of Council held 20 February 2018 (CD#08022018), Council resolved to;

- Exercise the power of sale under *section 6.64(1)(b) of the Local Government Act 1995* to proceed to a public auction for the property located at 52a Stewart Street Cue.
- Should the public auction be unsuccessful then move to sell the property via private sale.

The auction was conducted on 23 November 2019. There were no bidders at the auction. Subsequent attempts to sell the land privately have also been unsuccessful. Under *section 6.71 of the Local Government Act 1995* at the expiration of 12 months where a contract for the sale of land has not been entered into, the Local Government may apply to have the land transferred to the Local Government.

Comments:

The land belongs to the Estate of William John Heydon and has been the subject of debt collection for many years. The transfer of this land to the Shire of Cue will finalise this matter. All the steps for the recovery of rates, taking possession of the land and exercising the power of sale have been followed under the *Local Government Act 1995*.

The land in question is situated behind Stewart Street and accessible from the unnamed laneway off Robinson St. This land sits adjacent to the Cue Primary School.

Statutory Environment:

Local Government Act 1995

6.71 . Power to transfer land to Crown or to local government

(1) *If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to -*

- (a) *the Crown in right of the State; or*
- (b) *the local government.*

(2) *When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, is to give effect to this section.*

(3) *When exercising the power referred to in subsection (1)(b) the local government is required to pay the sum secured by, or payable under, a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.*

(4) *Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).*

9.49A . Execution of documents

(1) *A document is duly executed by a local government if -*

(a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*

(b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*

(2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*

(3) *The common seal of the local government is to be affixed to a document in the presence of -*

- (a) *the mayor or president; and*
 - (b) *the CEO,*
-

each of whom is to sign the document to attest that the common seal was so affixed.

(4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

(5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.

(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.

(7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Policy Implications:

Shire of Cue Policy Manual

D. 1 Debt Recovery - 2.2 Recovery of Rate Arrears - Sale of Land

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years, Council may take possession of the land under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is required to be obtained before this course of action is undertaken.

Financial Implications:

The Shire of Cue will bear any Transfer of Land costs relating to this transaction.

Current rates outstanding on this Lot is \$18,841.10 This amount will be written off once the transfer is complete.

Strategic Implications:

Nil.

Consultation:

Glenn Boyes - Deputy Chief Executive Officer

Justin Smiley - Legal Business Manager, Cloud Payment Group

Officers Recommendation: **Voting Requirement:** Simple Majority

That Council authorise the Shire President and the Chief Executive Officer to apply the common seal to the transfer of land for Lot 4 (52a) Stewart Street Cue for the non payment of rates under the *Local Government Act 1995*

Council Decision: 10072023	Voting Requirement: Simple Majority
MOVED: Cr Les Price	SECONDED: Cr Ron Hogben
That Council authorise the Shire President and the Chief Executive Officer to apply the common seal to the transfer of land for Lot 4 (52a) Stewart Street Cue for the non payment of rates under the <i>Local Government Act 1995</i>	
CARRIED: 6/0	
AGAINST: None	

Council Decision: 11072023	Voting Requirement: Simple Majority
MOVED: Cr Ian Dennis	SECONDED: Cr Julie Humphreys
That the meeting be closed to members of the Public to discussion confidential matters.	
CARRIED : 6/0	
AGAINST: None	

7.16pm the meeting closed to the public

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS

APPLICANT: Shire of Cue

DISCLOSURE OF Nil
INTEREST:

AUTHOR: Richard Towell

DATE: 14 July 2023

Matters for Consideration:

To endorse the attached CEO performance review criteria.

Background:

As part of the CEO performance review held in February 2023, Council resolved that the CEO prepare a draft set of performance criteria for the coming 12 months based on the Council's Integrated Strategic Plans and consultation with the Council.

Comments:

The attached performance criteria have been prepared for Councils consideration and input.

Statutory Environment:

Local Government Act 1995

5.38 . Annual review of employees' performance

(1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*

(2) *The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*

(3) *A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.*

Policy Implications:

Shire of Cue Policy Manual

G11. Chief Executive Officers Performance Review

G11.1 The Chief Executive Officer Review will be carried out by the Council which has the role of meeting at least once each year with the Chief Executive Officer

to review the officer's performance in accordance with the criteria specified in the Chief Executive Officer's contract of employment. The Review will be conducted under the guidance of an external Employee Relations consultant selected by the Council.

The Council shall discuss their concerns in a civil and frank manner with the Chief Executive Officer with due regard to natural justice and fairness and record all matters raised and responses, in writing.

The object of the meetings is to ensure both parties are aware of any concerns held by the parties and to ensure that the Council and the Chief Executive Officer operate as a team for the benefit of the local government.

G11.2 The Council will employ a consultant to facilitate the Chief Executive Officer's review.

Financial Implications:

Nil.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 - 2038

Outcome 2.1 A strategically focused and unified Council functioning efficiently

Consultation:

Mike Fitz Gerald – Fitz Gerald Strategies.

Officers Recommendation: ***Voting Requirement:*** Simple Majority

That Council endorse the proposed CEO Performance criteria as attached.

<i>Council Decision: 12072023</i>	<i>Voting Requirement: Simple Majority</i>
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<i>MOVED: Cr Julie Humphreys</i>	<i>SECONDED: Cr Ian Dennis</i>
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That Council endorse the proposed CEO Performance criteria as attached.

<i>CARRIED: 6/0</i>
<i>AGAINST: None</i>

14.2 THAT THE MEETING BE REOPENED TO MEMBERS OF THE PUBLIC

Council Decision: 13072023 **Voting Requirement: Simple Majority**

MOVED: Cr Leonie Fitzpatrick **SECONDED: Cr Les Price**

That the meeting be re-opened to members of the public.

CARRIED : 6/0
AGAINST: None

7.29pm the meeting was re-opened to members of the public.

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 07:30PM.

To be confirmed at Ordinary Meeting on the 15 August 2023.

Signed:

Presiding Member at the Meeting at which time the Minutes were confirmed.
