



**AGENDA**  
**ORDINARY MEETING**  
**OF COUNCIL**

**18 July 2023**

# NOTICE OF MEETING

Please be advised that the next

## Ordinary Meeting of Council

is to be held on

**Tuesday, 18 July 2023**

commencing at **6:00 PM**

in the Council Chambers at 73 Austin Street, Cue

Richard Towell  
Chief Executive Officer

### **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

**SHIRE OF CUE  
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY  
To: Chief Executive Officer**

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on \_\_\_\_\_(Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest

(see below)

\* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NB**

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

**Remember: The responsibility to declare an interest rests with individual Councillors / Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.**

Office Use Only: Date/Initials

1. Particulars of declaration given to meeting \_\_\_\_\_
2. Particulars recorded in the minutes: \_\_\_\_\_
3. Signed by Chief Executive Officer \_\_\_\_\_

**Local Government Act 1995 - SECT 5.23**

**Meetings generally open to the public**

5.23. (1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
- (b) All meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --

- (a) A matter affecting an employee or employees;
  - (b) The personal affairs of any person;
  - (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) A matter that if disclosed, would reveal;
    - (i) A trade secret;
    - (ii) Information that has a commercial value to a person; or
    - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) A matter that if disclosed, could be reasonably expected to;
    - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) Endanger the security of the local government's property; or
    - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
  - (h) Such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**SHIRE OF CUE**

**REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS**

Local Government (Administration) Regulations 1996 (**Regulation No.10**)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 3 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

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To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on \_\_\_\_\_ of a motion for revocation of Council resolution number \_\_\_\_\_ as passed by the Council at its meeting held on \_\_\_\_\_

<b>Councillor's Names</b>	<b>Councillor's Signature</b>
_____	_____
_____	_____
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_____	_____
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SHIRE OF CUE  
Ordinary Meeting of Council  
AGENDA

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

- 1 DECLARATION OF OPENING
- 2 APOLOGIES AND APPROVED LEAVE OF ABSENCE
- 3 DISCLOSURE OF MEMBER'S INTERESTS
- 4 PUBLIC QUESTION TIME
- 5 CONFIRMATION OF MINUTES
- 5.1 CONFIRMATION OF MINUTES
- 6 APPLICATION FOR LEAVE OF ABSENCE
- 7 DEPUTATIONS
- 8 PETITIONS
- 9 ANNOUNCEMENTS WITHOUT DISCUSSION
- 10 REPORTS
- 10.1 ACCOUNTS AND STATEMENTS OF ACCOUNT
- 10.2 FINANCIAL STATEMENT
- 10.3 REVIEW THE SHIRE OF CUE LOCAL LAWS
- 10.4 LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996 - REG 17
- 10.5 REVIEW OF THE DELEGATIONS REGISTER
- 10.6 MURCHISON REGIONAL VERMIN COUNCIL TRANSITION
- 11 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING
- 13 NEW BUSINESS OF AN URGENT NATURE
- 13.1 APPLICATION OF THE COMMON SEAL
- 14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
- 14.1 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS
- 14.2 THAT THE MEETING BE REOPENED TO MEMBERS OF THE PUBLIC
- 15 CLOSURE

**1 DECLARATION OF OPENING**

The meeting was opened at

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:**

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Julie Humphreys

**STAFF:**

Mr Richard Towell, Chief Executive Officer

Mr Glenn Boyes, Deputy Chief Executive Officer

Mrs Janelle Duncan, Executive Assistant

**GALLERY:**

**2 APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Councillor Elizabeth Houghton (Apology)



**3 DISCLOSURE OF MEMBER'S INTERESTS**

**4 PUBLIC QUESTION TIME**



**5 CONFIRMATION OF MINUTES**

<b><i>Council Decision:</i></b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
That the Minutes of Ordinary Meeting 20 June 2023 are confirmed as a true and correct record of the meeting.	
<b>CARRIED:</b>	

**CONFIRMATION OF MINUTES**

<b><i>Council Decision:</i></b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
That the Minutes of Special Meeting 03 July 2023 are confirmed as a true and correct record of the meeting.	
<b>CARRIED:</b>	

**6 APPLICATION FOR LEAVE OF ABSENCE**

**7 DEPUTATIONS**



**8            PETITIONS**



**9 ANNOUNCEMENTS WITHOUT DISCUSSION**



## 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
<b>Total</b>		<b>\$</b>	<b>864,178.16</b>

<b>Council Decision:</b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	

**List of Accounts Paid as of June 2023**

#	Type	Date	Name	Description	Amount	Bank	Type
<b>Credit Card</b>							
1	Direct Debit	07/06/2023	JB HiFi	1 x Sony 65' Bravia 4k TV for SH07 - 47 Dowley St (\$1,054.00)	(1,054.00)	1	CSH
2	Direct Debit	12/06/2023	Avenue Hotel Canberra	6 x nights accommodation for CEO, DCEO, Deputy President and partners to attend the National General Assembly in Canberra (\$6,900.00)	(6,900.00)	1	CSH
3	Direct Debit	19/06/2023	Avenue Hotel Canberra	Meals and parking for 6 days while attending the National General Assembly in Canberra (\$1,354.73)	(1,354.73)	1	CSH
4	Direct Debit	22/06/2023	JB HiFi	1 x Apple iPhone 14 Pro 128GB, 1 x screen protector and 1 x phone case for CEO and 1 x sat phone battery (\$1,901.84)	(1,901.84)	1	CSH
5	Direct Debit	26/06/2023	Carnamah Hotel	1 x nights accommodation and meals for CEO and DCEO while attending the Local Government Professionals Meeting in Coorow on 23/06/23 (\$316.00)	(316.00)	1	CSH
6	Direct Debit	29/05/2023	DocuSign	1 x annual subscription to DocuSign for Admin (\$408.00)	(408.00)	1	CSH
7	Direct Debit	29/05/2023	Canva	1 x annual subscription to Canva for Admin (\$164.99)	(164.99)	1	CSH
			<b>Total Credit Card</b>		<b>(12,099.56)</b>		
<b>Direct Debit</b>							
8	Direct Debit	02/06/2023	1 - CBA MERCHANT FEE	CBA MERCHANT FEE	(24.52)	1	FEE
9	Direct Debit	02/06/2023	1 - CBA MERCHANT FEE	CBA MERCHANT FEE	(170.16)	1	FEE
10	Direct Debit	15/06/2023	2 - BANK FEES	BANK FEES	(1.45)	1	FEE
11	Direct Debit	15/06/2023	2 - BANK FEES	BANK FEES	(50.09)	1	FEE
12	Direct Debit	15/08/2023	2 - BANK FEES	BANK FEES	(28.84)	1	FEE
13	BPAY	04/06/2023	Scott Van Leeuwen	Rent for Staff House Rental - 59 Marshall Street 22/05/23 - 04/06/23 (\$600.00)	(600.00)	1	CSH
14	BPAY	30/06/2023	Cue Roadhouse & General Store	Monthly rent for Community Gym and Cuerosity Shoppe from 01/06/23 - 30/06/23 (\$1,600.50)	(1,600.50)	1	CSH
15	BPAY	30/06/2023	Scott Van Leeuwen	Rent for Staff House Rental - 59 Marshall Street 16/06/23 - 02/07/23 (\$600.00)	(600.00)	1	CSH
16	Direct Debit	21/06/2023	Ampol (Caltex Australia Petroleum Pty Ltd)	Fuel card purchases for May 2023 (\$1,107.90)	(1,107.90)	1	CSH
17	Direct Debit	25/06/2023	Superchoice Superannuation Payment	Payroll Deductions - Superannuation for June 2023 (\$28,889.69)	(28,889.69)	1	CSH
			<b>Total Direct Debit's</b>		<b>(33,073.15)</b>		
<b>EFT</b>							
18	EFT12113	06/06/2023	Central Regional TAFE	Certificate 2 in Rural Operations training for Depot Trainee (\$236.64)	(236.64)	1	CSH
19	EFT12114	06/06/2023	Greenfield Technical Services	Flood damage inspection and cost estimate for flooding damage event in early April 23 (\$2,009.70)	(2,009.70)	1	CSH
20	EFT12115	06/06/2023	Leisk Hydraulics Pty Ltd	Remove and reinstall 5 x toilets at Heydon PI (\$1,650.00), replace 2 x taps at Lot 4 Cuerosity Shoppe (\$660.00) and extension of leach drain to crib room at Depot (\$1,430.00)	(3,740.00)	1	CSH
21	EFT12116	06/06/2023	Patience Bulk Haulage	315 tonne of basecourse gravel for Cue Aerodrome (\$21,678.42)	(21,678.42)	1	CSH
22	EFT12117	06/06/2023	Sandersons Outdoor Power Equipment	1 x blade disc and 2 x blade kits for ride on mower Parts and Supplies (\$210.00)	(210.00)	1	CSH

**List of Accounts Paid as of June 2023**

#	Type	Date	Name	Description	Amount	Bank	Type
23	EFT12118	06/06/2023	Shane Baker (Access Electrical Contracting)	Install 10 x double power points, 2 x LED lights at Heritage Centre and test 2 x power points at Staff House - 10 Chesson St (\$4,320.25)	(4,320.25)	1	CSH
24	EFT12119	06/06/2023	Totally Workwear Geraldton	1 x Blundstone black boots for Depot Staff (\$194.50)	(194.50)	1	CSH
25	EFT12120	06/06/2023	Winchester Industries	49.50 tonne of 5mm unwashed blue metal for Beringarra - Cue Rd (\$3,267.00)	(3,267.00)	1	CSH
26	EFT12121	06/06/2023	Civic Legal	Legal expenses for Lot 635 Wittenoom Street (\$646.80)	(646.80)	1	CSH
27	EFT12122	06/06/2023	Greenfield Technical Services	Flood damage inspection and cost estimate for the period 24/04/23 to 28/04/23 (\$23,963.81) and project management of the proposed upgrade of the Aerodrome (\$4,664.00)	(28,627.81)	1	CSH
28	EFT12123	06/06/2023	IT Vision	Implementation and data conversion for all six modules from Synergy to Altus software (\$11,048.40)	(11,048.40)	1	CSH
29	EFT12124	06/06/2023	LO-GO Appointments	Contracting services for Works Manager for the week ending 27/05/23 (\$3,065.21) and contracting services for Works Manager for the week ending 13/05/2023 (\$2,310.69)	(5,375.90)	1	CSH
30	EFT12125	06/06/2023	Winc Australia Pty Ltd	2 x visitors books, 12 x A4 ring binders, 2 x dynamo printer label tapes and various stationary for Admin (\$426.03) and 3 x Metal toilet roll holders for Heritage Building - Post Office (\$425.70)	(851.73)	1	CSH
31	EFT12126	06/06/2023	XL2	Install WIFI and set up services around Tourist Park and Shire on 26/05/2023 (\$10,840.50) and monthly managed IT service for June 2023 (\$3,979.84)	(14,820.34)	1	CSH
32	EFT12127	06/06/2023	Circuitwest Inc	Abra Da-Cameron Magic Show for Children event and workshop on 17/06/23 (\$2,750.00)	(2,750.00)	1	CSH
33	EFT12128	06/06/2023	Civic Legal	Legal fees to review Youth Centre Forms (\$2,750.00) and legal expenses for lease of part of Lot 500 Wittenoom Street (\$1,871.98)	(4,621.98)	1	CSH
34	EFT12129	06/06/2023	Integrity Sampling	Random drug and alcohol testing for staff on 17/04/2023 (\$2,461.69)	(2,461.69)	1	CSH
35	EFT12130	06/06/2023	Luscombe	2 x 10pk of 1L long-life milk for Depot (\$55.47)	(55.47)	1	CSH
36	EFT12131	06/06/2023	Murchison Club Hotel	5 x nights accommodation from 21/05/23 to 25/05/23 for IT consultant (\$725.00), 2 x salads and 2 x hot dishes for Cue Parliament Sundowner (\$180.00)	(905.00)	1	CSH
37	EFT12132	06/06/2023	Queen of The Murchison Guest House & Cafe	Meals for Structural Engineer during stay for Masonic Lodge survey (\$45.00)	(45.00)	1	CSH
38	EFT12133	06/06/2023	Shire of Upper Gascoyne	Long service leave contribution for ex-CEO (\$9,444.97)	(9,444.97)	1	CSH
39	EFT12134	06/06/2023	Western Independent Foods	Refreshments for Cue Parliament (\$540.15)	(540.15)	1	CSH
40	EFT12135	06/06/2023	Scott Van Leeuwen	Rent for Staff House Rental - 59 Marshall Street 05/06/23 - 18/06/2023 (\$600.00)	(600.00)	1	CSH
41	EFT12136	07/06/2023	ATOM Supply	3 x work jackets for Depot Staff (\$275.42)	(275.42)	1	CSH
42	EFT12137	07/06/2023	Leisk Hydraulics Pty Ltd	Remove and replace broken RPZD backflow device at Lot 592 Heydon Place (\$1,320.00)	(1,320.00)	1	CSH

**List of Accounts Paid as of June 2023**

#	Type	Date	Name	Description	Amount	Bank	Type
43	EFT12138	07/06/2023	Prompt Safety Solutions	Initial implementation of the Work Health and Safety Management System (\$9,900.00)	(9,900.00)	1	CSH
44	EFT12139	07/06/2023	Western Independent Foods	Freight on 4 x tyres for P14 - Isuzu D-Max Ute and freight on 2 x tyres for P22 - Isuzu Town Ute (\$186.11)	(186.11)	1	CSH
45	EFT12140	07/06/2023	Cue Roadhouse & General Store	Refreshments for Admin, 10.10L at 195.5 c/l unleaded petrol for whipper snipper and 16.54L at 199.5c/l unleaded petrol for lawn mower, 45 kg Gas bottle for Staff House - 15 Allen Street and refreshments for Cue Parliament (\$540.09)	(540.09)	1	CSH
46	EFT12141	08/06/2023	Cloud Collections Pty Ltd	Service fee related to debt collection on outstanding sundry debtors (\$107.80) and service fee related to Skip Trace on outstanding rate debtor (88.00)	(195.80)	1	CSH
47	EFT12142	08/06/2023	Meekatharra Cleaning and Gardening	Cleaning services for new Community Gym and Cuerosity Shoppe (\$1,133.00)	(1,133.00)	1	CSH
48	EFT12143	08/06/2023	Murchison Club Hotel	Meal expenses after Special Meeting on 06/06/2023 (\$313.50)	(313.50)	1	CSH
49	EFT12144	19/06/2023	Peter William Savage	55.5 hrs x Mechanical services at Cue Depot workshop between 01/05/2023 - 18/05/2023 (\$3,607.50)	(3,607.50)	1	CSH
50	EFT12145	21/06/2023	Cue Community Resource Centre	Annual contribution to the Cue Community Resource Centre for 2022 - 2023 CD09052021 (\$50,000.00)	(50,000.00)	1	CSH
51	EFT12146	21/06/2023	ModularWA	Completion of internal lining and roof cover for Lot 603 - 31A Dowley Street (\$89,507.00), completion of internal lining and roof cover for Lot 602 - 33A Dowley Street (\$89,507.00), completion of residence on builders premises for Lot 603 - 31B Dowley Street (\$72,589.00) and completion of residence on builders premises for Lot 602 - 33B Dowley Street (\$72,589.00)	(324,192.00)	1	CSH
52	EFT12147	21/06/2023	Integrity Sampling	Random Drug and Alcohol testing for staff (\$3,303.56)	(3,303.56)	1	CSH
53	EFT12148	21/06/2023	LG Best Practices Pty Ltd	Contract Rates Officer for April 2023 (\$6,393.75) and contract Rates Officer for March 2023 (\$4,867.50)	(11,261.25)	1	CSH
54	EFT12149	21/06/2023	LO-GO Appointments	Contracting services for Works Manager for the period ending 03/06/23 (\$4,008.35)	(4,008.35)	1	CSH
55	EFT12150	21/06/2023	URL Networks Pty Ltd	VOIP charges for June 2023 (\$38.40)	(38.40)	1	CSH
56	EFT12151	22/06/2023	Australia Post	Postage supply for the period ending 31/05/23 (\$106.02)	(106.02)	1	CSH
57	EFT12152	22/06/2023	Bitumen Distributors Pty Ltd	8,000L Emulsion and 8 x IBC containers for Airport Runway Sealing (\$10,384.00)	(10,384.00)	1	CSH
58	EFT12153	22/06/2023	Bunnings Building Products Pty	2 x disabled symbol signs, 2L paint for Public Conveniences, 2 x shelving units for Records, 4 x chrome handles, 4 x rivet kits, 4 x pliers and 1 x ladder for Tools and Supplies (\$833.20)	(833.20)	1	CSH
59	EFT12154	22/06/2023	Five Star Business Solutions & Innovation	Konika Minolta C454E Black/ Colour reading for the period May 2023 (\$627.46)	(627.46)	1	CSH
60	EFT12155	22/06/2023	Host Direct	24 x tumbler glasses and 4 x storage containers for Council Events (\$132.00)	(132.00)	1	CSH
61	EFT12156	22/06/2023	LO-GO Appointments	Contracting services for Works Manager for the week ending 20/05/23 (\$4,338.44)	(4,338.44)	1	CSH

**List of Accounts Paid as of June 2023**

#	Type	Date	Name	Description	Amount	Bank	Type
62	EFT12157	22/06/2023	Landgate	Rural UV general revaluation for 22/23 (\$366.30)	(366.30)	1	CSH
63	EFT12158	22/06/2023	Luscombe	2 x rolls of cleaning cloths, 2 x cartons of toilet rolls, 1 x carton of paper towels for Tourist Park (\$627.47)	(627.47)	1	CSH
64	EFT12159	22/06/2023	Meekatharra Cleaning and Gardening	Cleaning at Cuerosity Shoppe and Gym (\$1,397.00)	(1,397.00)	1	CSH
65	EFT12160	22/06/2023	Western Independent Foods	Freight on work clothing for Depot Staff, stonemason supplies, 2 x steer tyres for P87 - Prime Mover, food for Youth Program and Cue event (\$898.15)	(898.15)	1	CSH
66	EFT12161	26/06/2023	Nick Stevenson	Stonemasonry works on Railway Building, Bank of WA and Masonic Lodge between 15/06/2023 - 22/06/2023 (\$6,875.00)	(6,875.00)	1	CSH
67	EFT12162	26/06/2023	Peter William Savage	63.5 hours x Mechanical services on various plant from 22/05/2023 to 07/06/2023 (\$4,127.50)	(4,127.50)	1	CSH
68	EFT12163	27/06/2023	AIT Specialists Pty Ltd	Calculation of Fuel Tax Credit for the period 01/05/23 - 31/05/23 (\$276.43)	(276.43)	1	CSH
69	EFT12164	27/06/2023	Australian Taxation Office	BAS payment May 2023 (\$41,775.00)	(41,775.00)	1	CSH
70	EFT12165	27/06/2023	Cue Community Resource Centre	GST portion of annual contribution to Cue Tourist Information Centre for 2022 - 23 CD09052021 (\$5,000.00)	(5,000.00)	1	CSH
71	EFT12166	27/06/2023	ATOM Supply	200 x Out of Service Do Not Operate tags for Depot (\$125.40)	(125.40)	1	CSH
72	EFT12167	27/06/2023	Leisk Hydraulics Pty Ltd	Installation of dishwasher and test for leaks at OH01 - 29 Allen Street (\$198.00)	(198.00)	1	CSH
73	EFT12168	27/06/2023	Patience Bulk Haulage	25.7 x tonnes plasterers sand for the Bank of WA, Old Gaol and Railway Building (\$2,233.32)	(2,233.32)	1	CSH
74	EFT12169	27/06/2023	Shane Baker (Access Electrical Contracting)	2 x batteries and controllers for Oasis Carpark (\$8,611.90)	(8,611.90)	1	CSH
75	EFT12170	27/06/2023	Team Global Express Pty Ltd	Freight on hydraulic pump for P78 - Tipper (\$366.82), fittings and various parts for P34 - Skid Steer (\$21.88), cap plug kit for P9 - Grader (\$23.54) 10 x sealant and 8 x cutting discs for Heydon Place and returning library books to State Library (\$151.72)	(563.96)	1	CSH
76	EFT12171	27/06/2023	Truck Centre (WA) Pty Ltd	2 x front brake kits for P78 - Nissan Prime Mover (\$2,073.17)	(2,073.17)	1	CSH
77	EFT12172	27/06/2023	Countrywide Fridge Lines Pty Ltd	Freight on 208L of Hydraulic Oil for Depot (\$277.02)	(277.02)	1	CSH
78	EFT12173	27/06/2023	Garpen Pty Ltd	1 x motor for bitumen sprayer and 1 x motor for emulsion transfer pump Tools and Supplies (\$678.00)	(678.00)	1	CSH
79	EFT12174	27/06/2023	Hoist Sales & Hydraulic Repairs	1 x Pump and 1 x seal kit for P78 - Tipper Truck (\$1,179.20)	(1,179.20)	1	CSH
80	EFT12175	27/06/2023	Lacy Bros Pty Ltd	Load and deliver 5 x sheds for various Staff houses (\$3,932.50)	(3,932.50)	1	CSH
81	EFT12176	27/06/2023	The Block Makers	50 x Terraforce speckled cap pavers for Aerodrome, Tourist Park and Roadhouse Wall (\$346.50)	(346.50)	1	CSH
82	EFT12177	27/06/2023	Trepleene Pty Ltd T/A Canine Control	Ranger services on 31/05/23 (\$1,617.00)	(1,617.00)	1	CSH
83	EFT12178	27/06/2023	John Bailey (Jally Entertainment )	Performance fee for Snowy and the Seven Cool Dudes show 23/05/2023 (\$3,300.00)	(3,300.00)	1	CSH
84	EFT12179	27/06/2023	LO-GO Appointments	Contracting services for Works Manager for the week ending 10/06/2023 (\$2,405.01)	(2,405.01)	1	CSH

**List of Accounts Paid as of June 2023**

#	Type	Date	Name	Description	Amount	Bank	Type
85	EFT12180	27/06/2023	Queen of The Murchison Guest House & Cafe	4 x nights accommodation from 05/06/2023 to 08/06/2023 for Altus Payroll consultant (\$821.40), 2 x nights accommodation from 13/06/2023 to 14/06/2023 for WHS consultant (\$300.00) and 2 x Auditors accommodation from 29/05/23 to 02/06/23 (\$1,602.10)	(2,723.50)	1	CSH
86	EFT12181	27/06/2023	Winc Australia Pty Ltd	1 x Toner kit for Admin and 500 x soaps for Tourist Park (\$422.63)	(422.63)	1	CSH
87	EFT12182	27/06/2023	Bridgestone Tyre Centre Geraldton	2 x steer tyres for P87 - Scania (\$1,800.00)	(1,800.00)	1	CSH
88	EFT12183	27/06/2023	Hoist Sales & Hydraulic Repairs	Replace hydraulic pump for P78 - Tipper (\$1,187.45)	(1,187.45)	1	CSH
89	EFT12184	27/06/2023	Leisk Hydraulics Pty Ltd	16 hours x labour hire on Marshall Street (\$1,144.00), unblock drain at SH17 - 59 Marshall Street, replace leaking taps at SH06 - 57 Marshall Street and fix leaking urinal at Oval Ablutions block (\$583.00), repairs to leaking tap at SH05 - 47 Marshall Street and repair toilet and replace kitchen taps at SH07 - 47 Dowley Street (\$451.00)	(2,178.00)	1	CSH
90	EFT12185	27/06/2023	Shane Baker (Access Electrical Contracting)	Install 8 x double power points in Railway Building (\$2,032.80)	(2,032.80)	1	CSH
91	EFT12186	27/06/2023	Team Global Express Pty Ltd	Freight on deliveries to State library (\$118.22)	(118.22)	1	CSH
92	EFT12187	27/06/2023	Total Tools	2 x 350mm diamond blade for Tools and Supplies (\$404.00)	(404.00)	1	CSH
93	EFT12188	27/06/2023	Yungatha	150 x traffic cones for Tools and Supplies (\$3,217.50)	(3,217.50)	1	CSH
94	EFT12189	28/06/2023	Elizabeth Houghton	Elected members claim for June 23 (\$778.00)	(778.00)	1	CSH
95	EFT12190	28/06/2023	Ian Dennis	Elected members claim for June 23 (\$936.40)	(936.40)	1	CSH
96	EFT12191	28/06/2023	Julie Ann Humphreys	Elected members claim for June 23 (\$778.00)	(778.00)	1	CSH
97	EFT12192	28/06/2023	Leonie Fitzpatrick	Elected members claim for June 23 (\$778.00)	(778.00)	1	CSH
98	EFT12193	28/06/2023	Leslie Matthew Price	Elected members claim for June 23 (\$2,522.00)	(2,522.00)	1	CSH
99	EFT12194	28/06/2023	Ronald Paul Clive Hogben	Elected members claim for June 23 (\$778.00)	(778.00)	1	CSH
100	EFT12195	28/06/2023	Ross William Pigdon	Elected members claim for June 23 (\$2,224.00)	(2,224.00)	1	CSH
101	EFT12196	29/06/2023	Queen of The Murchison Guest House & Cafe	5 x nights accommodation and meals for 2 x AMS employees to mark runway lines (\$1,850.00)	(1,850.00)	1	CSH
102	EFT12197	30/06/2023	Leisk Hydraulics Pty Ltd	Labour to locate and remove damaged drain pipe at Aerodrome (\$440.00)	(440.00)	1	CSH
103	EFT12198	30/06/2023	Luscombe	4 x cartons of jumbo toilet rolls and 3 x rolls of chux cloths for Tourist Park (\$280.70) and 1 x carton of paper towel rolls for Tourist Park (\$158.03)	(438.73)	1	CSH
104	EFT12199	30/06/2023	PERSOLKELLY Australia Pty Ltd	Town planning Consultant for the period ending 14/05/23 (\$5,056.37)	(5,056.37)	1	CSH
105	EFT12200	30/06/2023	Queen of The Murchison Guest House & Cafe	1 x nights accommodation and meals for Auditor (\$185.00)	(185.00)	1	CSH
106	EFT12201	30/06/2023	Team Global Express Pty Ltd	Freight on library books to the State Library, various items for the Depot, 45L of cleaning products for the Tourist Park and 2 x rear tyres for P24 - Toyota Forklift (\$841.61)	(841.61)	1	CSH
107	EFT12202	30/06/2023	Trephleene Pty Ltd T/A Canine Control	Ranger services on 08/05/2023 and 09/05/2023 (\$1,617.00)	(1,617.00)	1	CSH
108	EFT12203	30/06/2023	Western Independent Foods	Freight on 2 x tyres for P87 - Scania Prime Mover (\$209.32)	(209.32)	1	CSH
			<b>Total EFT's</b>		<b>(667,548.21)</b>		

**List of Accounts Paid as of June 2023**

#	Type	Date	Name	Description	Amount	Bank	Type
<b>BPAY</b>							
109	BPAY	31/05/2023	Horizon Power	Electricity for Cue Street Lights for 31 days from 01/05/23 - 31/05/23 (\$6,539.16)	(6,539.16)	1	CSH
110	BPAY	01/06/2023	Pivotel Satellite Pty Ltd	Satellite phone charges for May 2023 (\$66.00)	(66.00)	1	CSH
111	BPAY	01/06/2023	Horizon Power	Electricity Supply for 59 days from 04/04/23 to 01/06/23 (\$10,456.44)	(10,456.44)	1	CSH
112	BPAY	30/06/2023	Telstra Corporation Ltd	Phone charges for the period 13/05/23 - 12/06/23 (\$3,166.39) and phone charges for the period 13/06/23 - 12/07/23 (\$3,091.50)	(6,257.89)	1	CSH
113	BPAY	30/06/2023	Pivotel Satellite Pty Ltd	Satellite phone charges for June 23 (\$66.99)	(66.99)	1	CSH
114	BPAY	30/06/2023	Horizon Power	Street lights from 01/06/23 to 30/06/23 less overpayment in May 23 (\$18.36)	(18.36)	1	CSH
115	BPAY	11/06/2023	DHS Official Administered Receipts CSA Account	Payroll deductions	(251.89)	1	CSH
116	BPAY	25/06/2023	DHS Official Administered Receipts CSA Account	Payroll deductions	(251.89)	1	CSH
			<b>Total BPAY's</b>		<b>(23,908.62)</b>		
<b>CHEQUES</b>							
117	CHEQUES		No Cheques for the month		0.00		
			<b>Total Cheques</b>		<b>0.00</b>		
<b>PAYROLL</b>							
118	PAYROLL	11/06/2023	Payroll Direct Debit of Net Pays	Payroll Direct Debit of Net Pays	(65,431.90)		
119	PAYROLL	25/06/2023	Payroll Direct Debit of Net Pays	Payroll Direct Debit of Net Pays	(62,116.72)		
			<b>Total Payroll</b>		<b>(127,548.62)</b>		
				<b>TOTAL PAYMENTS</b>	<b>(864,178.16)</b>		
				Total Credit Card	(12,099.56)		
				Total Direct Debits	(33,073.15)		
				Total EFTs	(667,548.21)		
				Total BPAY	(23,908.62)		
				Total Cheque	0.00		
				Total Payroll	(127,548.62)		
				<b>TOTAL PAYMENTS</b>	<b>(864,178.16)</b>		



## 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.

<b>Council Decision:</b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	



**Shire of Cue**

73 Austin Street Cue WA 6640

PO Box 84 Cue WA 6640

(08) 9963 8600

[www.cue.wa.gov.au](http://www.cue.wa.gov.au)

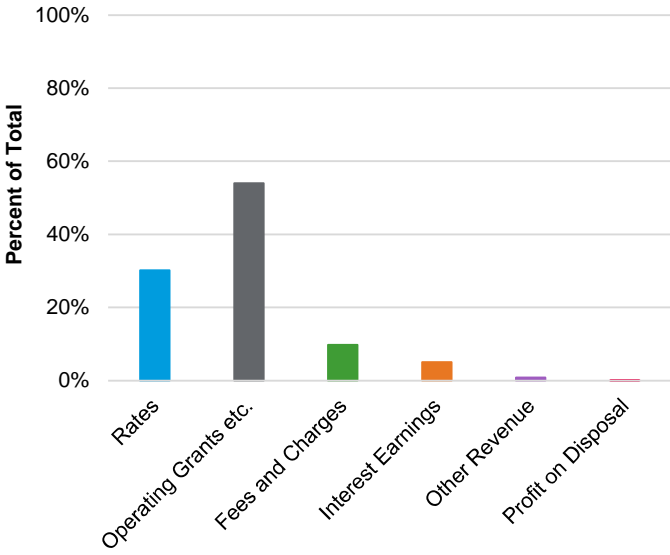
# **SHIRE OF CUE**

## **MONTHLY FINANCIAL REPORT**

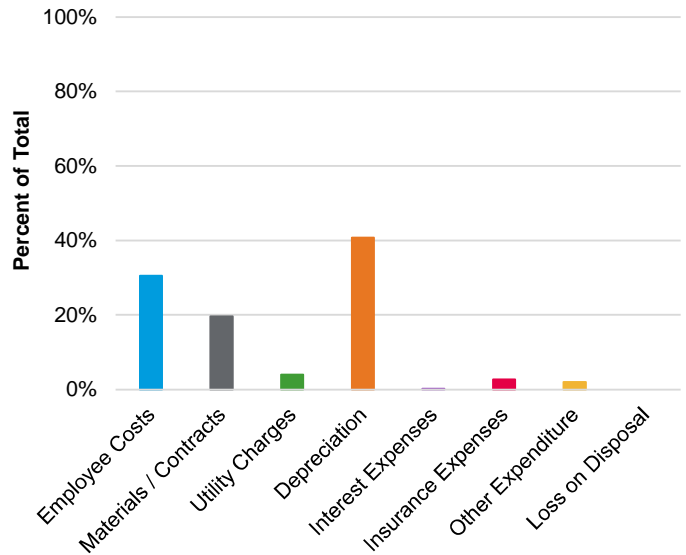
**For the Period Ending 30 June 2023**

**SHIRE OF CUE**  
**MONTHLY FINANCIAL REPORT**  
For the Period Ending 30 June 2023  
**SUMMARY GRAPHS - OPERATING**

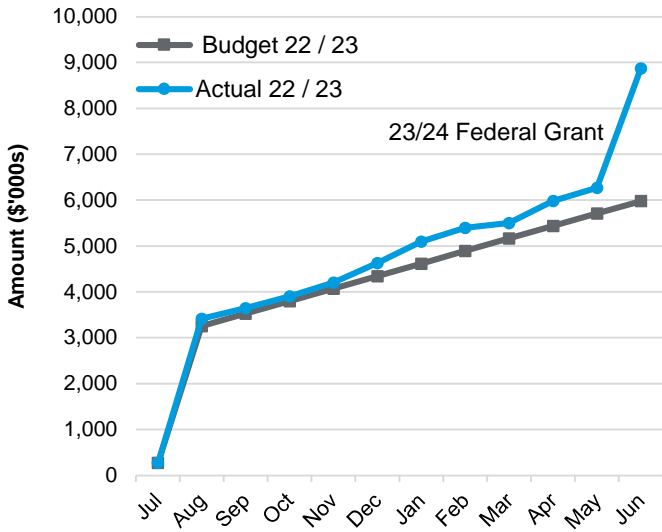
**Operating Revenue**



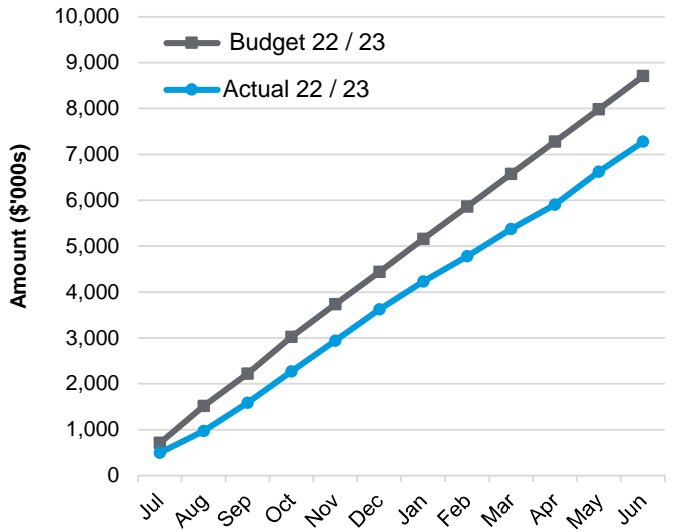
**Operating Expenditure**



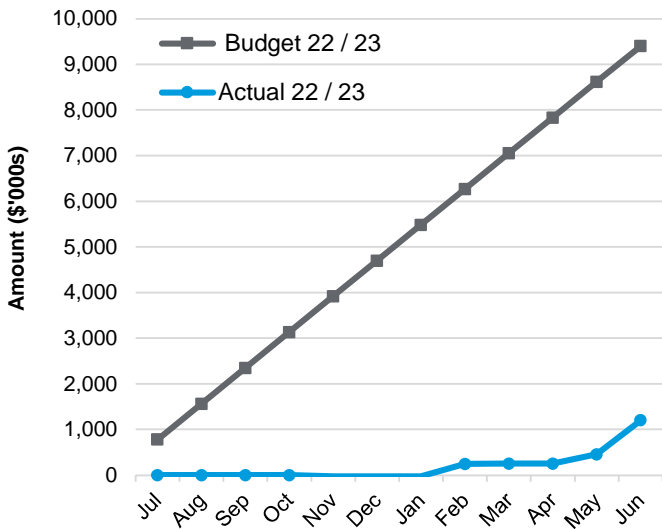
**Operating Revenue**



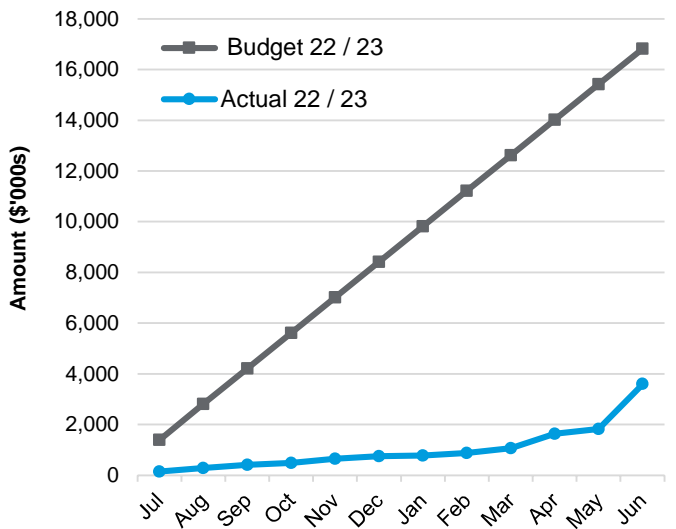
**Operating Expenses**



**Capital Revenue (inc. Flood Damage)**

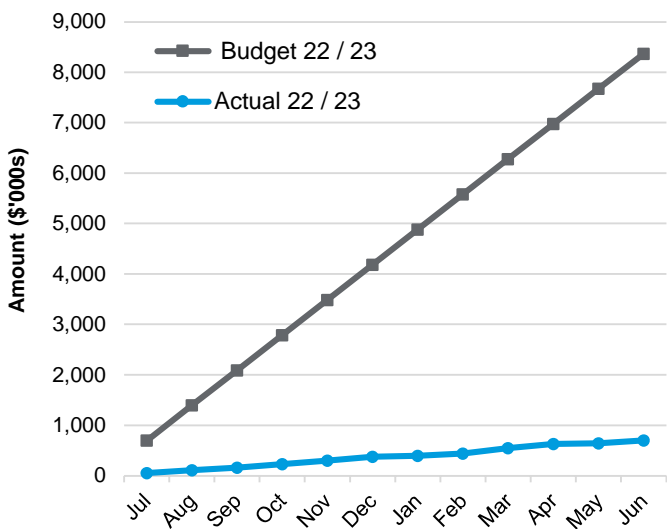


**Capital Expenses (inc. Flood Damage)**

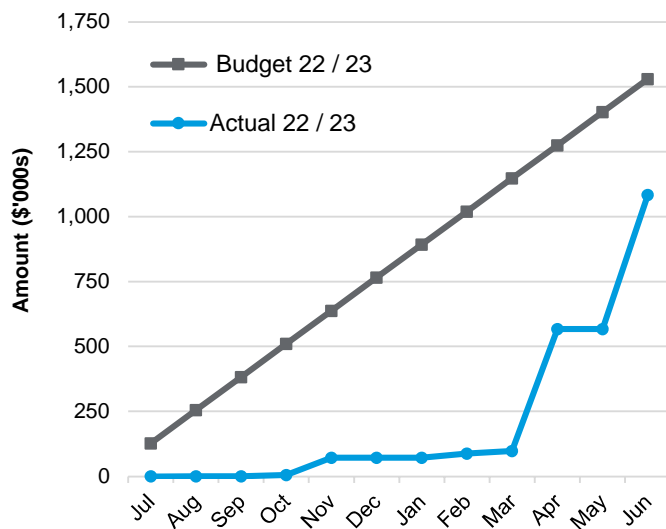


**SHIRE OF CUE**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ending 30 June 2023**  
**SUMMARY GRAPHS - CAPITAL**

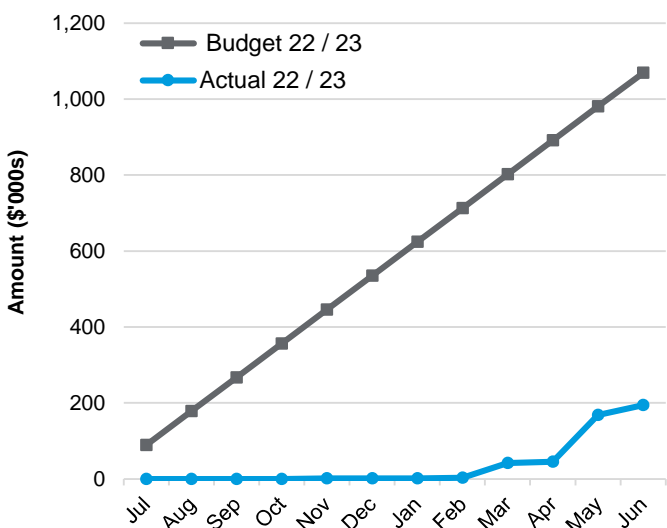
**Land and Buildings (exc. Staff Housing)**



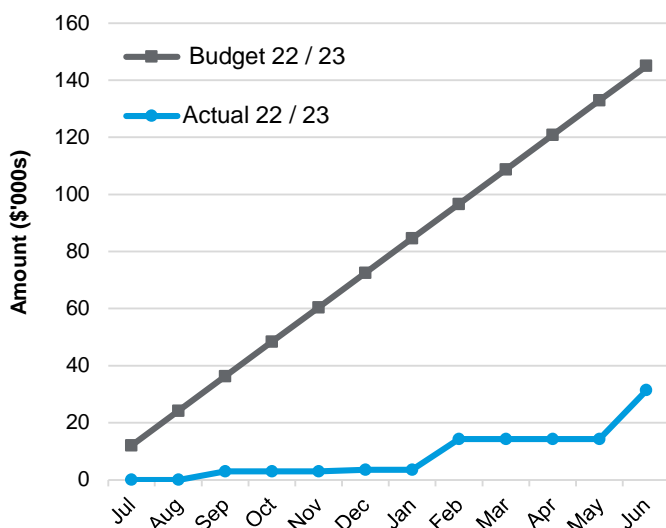
**Staff Housing**



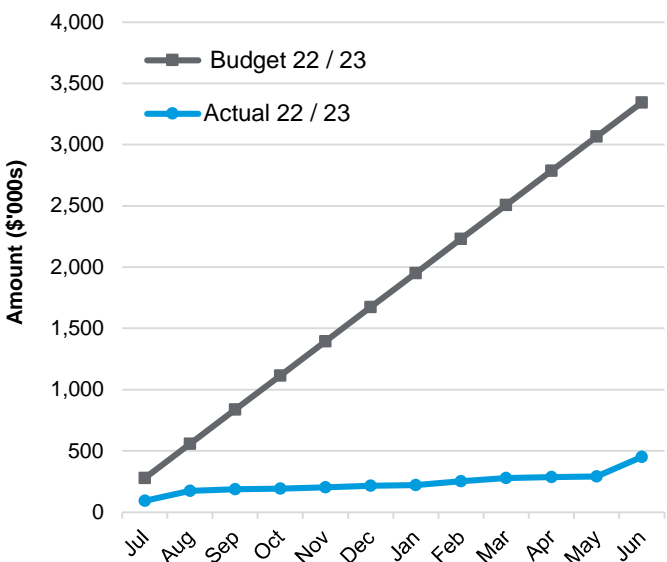
**Plant and Equipment**



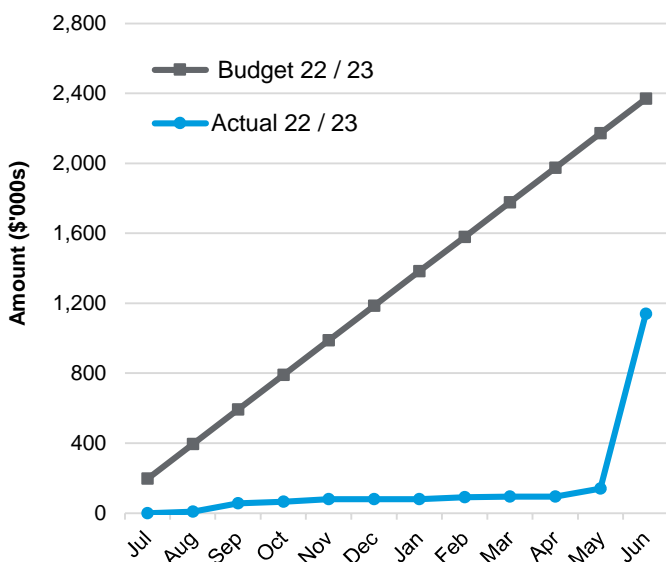
**Furniture and Equipment**



**Roads**



**Other Infrastructure**



**SHIRE OF CUE**  
**STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ending 30 June 2023

**NATURE OR TYPE**

	Note	Annual Budget \$	YTD Budget \$	YTD Actual \$	Var* \$	Var* %
<b>Opening Funding Surplus / (Deficit)</b>	2	6,179,503	6,179,503	<b>6,179,503</b>		
<b>Revenue from Operating Activities</b>						
Rates	9	2,664,410	2,664,410	<b>2,679,204</b>	14,794	1%
Grants, Subsidies and Contributions	10(a)	2,061,650	2,061,650	<b>4,793,448</b>	2,731,798	133%
Fees and Charges		867,890	867,890	<b>870,439</b>	2,549	0%
Interest Earnings		248,500	248,500	<b>451,678</b>	203,178	82%
Other Revenue		88,500	88,500	<b>74,356</b>	(14,144)	(16%)
Profit on Disposal of Assets	6	48,800	48,800	<b>1,745</b>	(47,055)	(96%)
		<b>5,979,750</b>	<b>5,979,750</b>	<b>8,870,871</b>		
<b>Expenditure from Operating Activities</b>						
Employee Costs		(2,512,830)	(2,512,830)	<b>(2,225,446)</b>	287,384	11%
Materials and Contracts		(2,069,540)	(2,069,540)	<b>(1,431,559)</b>	637,981	31%
Utility Charges		(488,750)	(488,750)	<b>(292,190)</b>	196,560	40%
Depreciation on Non-current Assets		(3,108,660)	(3,108,660)	<b>(2,965,379)</b>	143,281	5%
Interest Expenses	7	(20,000)	(20,000)	<b>(16,874)</b>	3,126	16%
Insurance Expenses		(193,900)	(193,900)	<b>(195,259)</b>	(1,359)	(1%)
Other Expenditure		(301,460)	(301,460)	<b>(147,478)</b>	153,982	51%
Loss on Disposal of Assets	6	(8,100)	(8,100)	-	8,100	100%
		<b>(8,703,240)</b>	<b>(8,703,240)</b>	<b>(7,274,186)</b>		
<b>Excluded Non-cash Operating Activities</b>						
Depreciation and Amortisation		3,108,660	3,108,660	<b>2,965,379</b>		
(Profit) / Loss on Asset Disposal		(40,700)	(40,700)	<b>(1,745)</b>		
Movement in Long Service Leave		-	-	<b>(43,053)</b>		
<b>Net Amount from Operating Activities</b>		<b>344,470</b>	<b>344,470</b>	<b>4,517,265</b>		
<b>Investing Activities</b>						
Grants, Subsidies and Contributions	10(b)	9,403,147	9,403,147	<b>1,195,576</b>	(8,207,571)	(87%)
Proceeds from Disposal of Assets		230,000	230,000	<b>10,000</b>	(220,000)	(96%)
Land and Buildings	8(a)	(9,898,720)	(9,898,720)	<b>(1,782,277)</b>	8,116,443	82%
Plant and Equipment	8(b)	(1,069,400)	(1,069,400)	<b>(194,617)</b>	874,783	82%
Furniture and Equipment	8(c)	(145,000)	(145,000)	<b>(31,393)</b>	113,607	78%
Infrastructure Assets - Roads	8(d)	(3,343,500)	(3,343,500)	<b>(450,985)</b>	2,892,515	87%
Infrastructure Assets - Other	8(e)	(2,369,000)	(2,369,000)	<b>(1,140,038)</b>	1,228,962	52%
<b>Net Amount from Investing Activities</b>		<b>(7,192,473)</b>	<b>(7,192,473)</b>	<b>(2,393,734)</b>		
<b>Financing Activities</b>						
Transfer from Reserves	4	1,253,000	1,253,000	<b>4,932,955</b>	3,679,955	(294%)
Repayment of Debentures	7	(94,500)	(94,500)	<b>(94,465)</b>	35	0%
Transfer to Reserves	4	(490,000)	(490,000)	<b>(5,900,403)</b>	(5,410,403)	(1104%)
<b>Net Amount from Financing Activities</b>		<b>668,500</b>	<b>668,500</b>	<b>(1,061,913)</b>		
<b>Closing Funding Surplus / (Deficit)</b>	2	-	-	<b>7,241,121</b>		

\* - Note 1 provides an explanation for the relevant variances shown above.

## SHIRE OF CUE

### NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 30 June 2023

#### 1. EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2022/23 year is \$25,000 or 10% whichever is the greater.

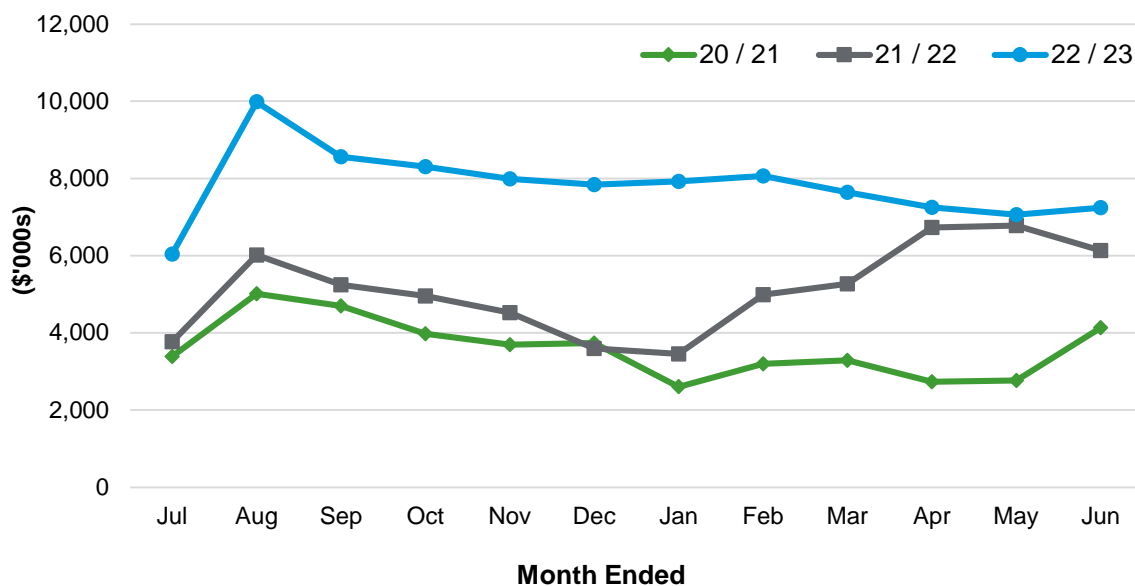
Reporting Program	Var	Var	Var	Timing /	Explanation of Variance
Operating Revenues	\$	%		Permanent	
Grants, Subsidies and Contributions	2,731,798	133%	▲	Permanent	Timing of grants
Interest Earnings	203,178	82%	▲	Permanent	Timing of term deposit maturities and interest rates
Profit on Disposal of Assets	(47,055)	(96%)	▼	Permanent	Timing of disposals
<b>Operating Expense</b>					
Employee Costs	287,384	11%	▲	Permanent	Vacancies and staffing levels
Materials and Contracts	637,981	31%	▲	Permanent	Expenditure less than budgeted
Utility Charges	196,560	40%	▲	Permanent	Expenditure less than budgeted
Depreciation on Non-current Assets	143,281	5%	▲	Permanent	Expenditure less than budgeted
Other Expenditure	153,982	51%	▲	Permanent	Expenditure less than budgeted
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	(8,207,571)	(87%)	▼	Permanent	Timing of grants and contributions, including flood damage reimbursements
Proceeds from Disposal of Assets	(220,000)	(96%)	▼	Permanent	Timing of disposals
<b>Capital Expenses</b>					
Land and Buildings	8,116,443	82%	▲	Permanent	See Note 8 (Timing of projects)
Plant and Equipment	874,783	82%	▲	Permanent	See Note 8 (Timing of purchases)
Furniture and Equipment	113,607	78%	▲	Permanent	See Note 8 (Timing of projects)
Infrastructure - Roads	2,892,515	87%	▲	Permanent	See Note 8 (Timing of roads projects and flood damage works)
Infrastructure - Other	1,228,962	52%	▲	Permanent	See Note 8 (Timing of projects)
<b>Financing</b>					
Transfer from Reserves	3,679,955	(294%)	▼	Permanent	Transfer of Reserves to new bank
Transfer to Reserves	(5,410,403)	(1104%)	▼	Permanent	Transfer of Reserves to new bank

**SHIRE OF CUE**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ending 30 June 2023

**2. NET CURRENT FUNDING POSITION**

	Note	30 Jun 23	30 Jun 22
<b>Current Assets</b>		\$	\$
Cash Unrestricted	3	6,581,237	6,002,071
Cash Restricted	3	7,733,483	6,597,834
Receivables - Rates	5(a)	284,808	232,013
Receivables - Other	5(b)	85,008	300,932
ATO Receivable		96,432	-
Provision for Doubtful Debts		(36,480)	(36,480)
Accrued Income / Prepayments / Other		436,950	261,832
Inventories		34,225	34,225
<b>Total Current Assets</b>		<b>15,215,663</b>	<b>13,392,428</b>
<b>Current Liabilities</b>			
Sundry Creditors		(30,388)	(256,110)
Rates Received in Advance		(25,084)	(22,059)
Revenue Received in Advance		(300,270)	(123,827)
ATO Payable		-	(54,024)
Deposits and Bonds		(11,733)	(23,000)
Loan Liability		(96,154)	(94,465)
Accrued Expenses		(8,124)	(34,456)
Accrued Salaries and Wages		-	(78,153)
<b>Total Payables</b>		<b>(471,754)</b>	<b>(686,094)</b>
Provisions		(202,546)	(192,348)
<b>Total Current Liabilities</b>		<b>(674,300)</b>	<b>(878,442)</b>
Less: Cash Reserves	4	(7,396,396)	(6,428,948)
Less: Loan Liability		96,154	94,465
<b>Net Funding Position</b>		<b>7,241,121</b>	<b>6,179,503</b>

**Net Funding Position**





SHIRE OF CUE  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ending 30 June 2023

3. CASH AND FINANCIAL ASSETS

	Unrestricted	Restricted	Total	Interest	Maturity
	\$	\$	Amount	Rate	Date
(a) Cash and Cash Equivalents			\$	%	
Cash On Hand	970	-	970	0.00	N/A
Cheque Account	1,201,869	-	1,201,869	2.00	N/A
Online Saver Account	1,341,915	-	1,341,915	3.70	N/A
Cash Deposit	767,337	337,087	1,104,424	4.23	17 Jul 23
Cash Deposit	2,000,000	-	2,000,000	4.65	24 Oct 23
Cash Deposit	1,269,146	-	1,269,146	4.74	21 May 24
Reserves Deposit (CBA)	-	1,537,146	1,537,146	3.93	04 Jul 23
Reserves Deposit (CBA)	-	2,526,769	2,526,769	4.44	27 Oct 23
Reserves Deposit (CBA)	-	900,000	900,000	4.23	17 Jul 23
Reserves Deposit (NAB)	-	1,165,383	1,165,383	3.88	04 Jul 23
Reserves Deposit (NAB)	-	1,267,099	1,267,099	5.35	18 Dec 23
<b>Total Cash / Financial Assets</b>	<b>6,581,237</b>	<b>7,733,483</b>	<b>14,314,720</b>		

(b) Trust Fund

Description	Opening Balance 01 Jul 22 \$	Amount Received \$	Transferred To Muni \$	Amount Paid \$	Closing Balance 30 Jun 23 \$
Cue LCDC	2,080	2	-	-	2,082
<b>Total Funds in Trust</b>	<b>2,080</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>2,082</b>

The Trust account is a no fee no interest account. Commonwealth Bank made an error and paid interest to the Trust.

4. CASH BACKED RESERVES

YTD Actual

Reserve Name	Balance 01 Jul 22 \$	Transfers from \$	Interest Received \$	Transfer to \$	Balance 30 Jun 23 \$
Long Service Leave	63,814	(48,965)	669	48,965	64,483
Building Maintenance	602,166	(462,044)	6,318	462,044	608,484
Plant Replacement	521,193	(399,912)	5,469	399,912	526,662
Streetscape	321,696	(246,837)	3,376	246,837	325,072
Sports Facilities	123,864	(95,041)	1,300	95,041	125,164
Tourist Park Development	255,847	(196,313)	2,684	196,313	258,531
Water Playground	61,537	(47,218)	646	47,218	62,183
Beringarra Road	2,396,664	(1,838,974)	25,143	1,838,974	2,421,807
Tourism	124,961	(95,883)	1,311	95,883	126,272
Housing / Land Development	219,640	(168,530)	2,305	168,530	221,945
Heritage	635,476	(487,601)	6,666	487,601	642,142
Road Maintenance	870,779	(668,152)	9,135	1,568,152	1,779,914
Infrastructure	231,311	(177,485)	2,426	177,485	233,737
<b>Total Cash Backed Reserves</b>	<b>6,428,948</b>	<b>(4,932,955)</b>	<b>67,448</b>	<b>5,832,955</b>	<b>7,396,396</b>

Matured term deposits transferred to Muni account. Funds have been reinvested with another bank.

**SHIRE OF CUE**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ending 30 June 2023

**5. RECEIVABLES**

<b>(a) Rates Receivable</b>	<b>30 Jun 23</b>
	\$
Current	129,022
Previous Year	37,803
Second Previous Year	18,823
Third Previous Year or Greater	99,160
<b>Total Rates Receivable Outstanding</b>	<b>284,808</b>

<b>(b) General Receivables</b>	<b>30 Jun 23</b>
	\$
Current	31,259
30 Days	12,858
60 Days	0
90+ Days	40,891
<b>Total General Receivables Outstanding</b>	<b>85,008</b>

**6. DISPOSAL OF ASSETS**

	<b>Annual Budget Profit / (Loss)</b>	<b>YTD Proceeds on Disposal</b>	<b>YTD Actual Profit / (Loss)</b>
	\$	\$	\$
<b>Plant and Equipment</b>			
Caterpillar Skid Steer Loader	18,800	-	-
Mack Trident Prime Mover	(800)	-	-
CAT 301.7D Mini Excavator	17,300	-	-
Kubota Ride-on Mower	(6,600)	10,000	1,745
Works Manager Ute	(700)	-	-
Roads Crew Supervisor Ute	3,000	-	-
Town Crew Supervisor Ute	9,700	-	-
<b>Total Profit or (Loss)</b>	<b>40,700</b>	<b>10,000</b>	<b>1,745</b>

**7. INFORMATION ON BORROWINGS**

	<b>Annual Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
	\$	\$	\$
<b>GROH Housing</b>			
Principal Repayments	94,500	94,500	94,465
Interest and Fees	20,000	20,000	16,874
<b>Total Repayments</b>	<b>114,500</b>	<b>114,500</b>	<b>111,339</b>

**Principal Outstanding**

Principal Outstanding 01 Jul	751,033	751,033	751,033
Principal Repayments	(94,500)	(94,500)	(94,465)
<b>Principal Outstanding Current Month</b>	<b>656,533</b>	<b>656,533</b>	<b>656,568</b>

## SHIRE OF CUE

## NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 30 June 2023

## 8. CAPITAL ACQUISITIONS

## (a) Land and Buildings

	Annual Budget	YTD Budget	YTD Actual	YTD Variance
	\$	\$	\$	\$
Staff Unit Housing Development	1,530,000	1,530,000	1,083,186	446,814
Pensioner Housing Development	3,889,220	3,889,220	-	3,889,220
Staff Housing	490,000	490,000	87,268	402,732
GROH Housing	-	-	3,234	(3,234)
Great Fingal Mine Office	2,000,000	2,000,000	-	2,000,000
Old Railway Building and Youth Centre	160,000	160,000	174,653	(14,653)
Town Hall Upgrades	90,000	90,000	22,532	67,468
Heritage Building Renovations	350,000	350,000	7,099	342,901
Masonic Lodge	240,000	240,000	4,458	235,542
Rifle Range Ablutions	25,000	25,000	-	25,000
Bowling Green Upgrade	10,000	10,000	-	10,000
Works Depot Improvements	50,000	50,000	-	50,000
Tourist Park House and Office	70,000	70,000	11,225	58,775
Old Gaol Restoration	150,000	150,000	3,931	146,069
Heydon Place Industrial Development	400,000	400,000	266,893	133,107
Old Municipal Building Improvements	60,000	60,000	-	60,000
Pension Hut Renovation	150,000	150,000	32,664	117,336
Administration Building Improvements	144,500	144,500	72,197	72,303
Heritage Discovery Centre	90,000	90,000	12,937	77,063
<b>Total Land and Buildings</b>	<b>9,898,720</b>	<b>9,898,720</b>	<b>1,782,277</b>	<b>8,116,443</b>

## (b) Plant and Equipment

	Annual Budget	YTD Budget	YTD Actual	YTD Variance
	\$	\$	\$	\$
Prime Mover	340,000	340,000	-	340,000
Skid Steer Loader	120,000	120,000	-	120,000
4 x 4 Dual Cab 3 Tonne Truck	100,000	100,000	-	100,000
Mini Excavator	80,000	80,000	-	80,000
16 Disc Offset Plow for Tractor	1,400	1,400	1,464	(64)
Road Maintenance Equipment	20,000	20,000	13,358	6,642
Works Manager Ute	70,000	70,000	-	70,000
Roads Crew Supervisor Ute	50,000	50,000	-	50,000
Town Crew Supervisor Ute	50,000	50,000	-	50,000
Workshop Truck	130,000	130,000	112,890	17,110
Ride-on Mower	35,000	35,000	32,000	3,000
2 x 20' Sea Containers	10,000	10,000	-	10,000
Town Maintenance Equipment	23,000	23,000	8,431	14,569
Auto Greaser for JCB Integrated Tool Carrier	-	-	14,603	(14,603)
Workshop Equipment	40,000	40,000	11,871	28,129
<b>Total Plant and Equipment</b>	<b>1,069,400</b>	<b>1,069,400</b>	<b>194,617</b>	<b>874,783</b>

SHIRE OF CUE

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 30 June 2023

8. CAPITAL ACQUISITIONS (Continued)

(c) Furniture and Equipment

	<b>Annual Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>YTD Variance</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Council	10,000	10,000	-	10,000
Staff Housing	15,000	15,000	-	15,000
AV Equipment	20,000	20,000	11,336	8,664
Tourist Park	10,000	10,000	-	10,000
Administration	90,000	90,000	20,057	69,943
<b>Total Furniture and Equipment</b>	<b>145,000</b>	<b>145,000</b>	<b>31,393</b>	<b>113,607</b>

## SHIRE OF CUE

## NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 30 June 2023

## 8. CAPITAL ACQUISITIONS (Continued)

## (d) Infrastructure - Roads

	Annual Budget	YTD Budget	YTD Actual	YTD Variance
	\$	\$	\$	\$
Flood Damage Reimbursement	2,000,000	2,000,000	24,277	1,975,723
Roads to Recovery	303,500	303,500	11,228	292,272
Construction - Muni Funds Roads	190,000	190,000	25,914	164,086
Regional Roads Group	270,000	270,000	272,846	(2,846)
Cue-Beringarra Road	400,000	400,000	-	400,000
Grid Widening Program	180,000	180,000	116,720	63,280
<b>Total Infrastructure - Roads</b>	<b>3,343,500</b>	<b>3,343,500</b>	<b>450,985</b>	<b>2,892,515</b>

## (e) Other Infrastructure

	Annual Budget	YTD Budget	YTD Actual	YTD Variance
	\$	\$	\$	\$
Waste Site - Fencing and Improvements	175,000	175,000	5,454	169,546
Deep Sewerage	240,000	240,000	-	240,000
Cemetery Niche Wall	35,000	35,000	-	35,000
Playground Equipment	220,000	220,000	-	220,000
Sporting Facilities	40,000	40,000	1,343	38,657
Oval Infrastructure	50,000	50,000	-	50,000
Walk and Cycle Trails	20,000	20,000	11,566	8,434
Airport Runway Resealing	1,000,000	1,000,000	1,021,778	(21,778)
Museum Project	80,000	80,000	-	80,000
Streetscape	150,000	150,000	-	150,000
Tourist Park Improvements	150,000	150,000	20,196	129,805
Golf Course and Other Infrastructure	25,000	25,000	-	25,000
CCTV	50,000	50,000	62,983	(12,983)
RV Site	30,000	30,000	6	29,994
Oasis Visitor Parking Project	23,000	23,000	-	23,000
Standpipe Automation	30,000	30,000	-	30,000
Community Gym	26,000	26,000	-	26,000
Terminal Fence Upgrade	25,000	25,000	16,714	8,286
<b>Total Infrastructure - Other</b>	<b>2,369,000</b>	<b>2,369,000</b>	<b>1,140,038</b>	<b>1,228,962</b>

## Total Capital Expenditure

	<b>16,825,620</b>	<b>16,825,620</b>	<b>3,599,310</b>	<b>13,226,310</b>
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## SHIRE OF CUE

## NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 30 June 2023

## 9. RATING INFORMATION

	Rateable Value	Rate in	Number of Properties	Annual Budget Revenue	YTD Actual Revenue
	\$	\$	#	\$	\$
<b>General Rates</b>					
GRV Residential	557,306	0.103088	84	57,452	57,452
GRV Commercial	487,440	0.103088	7	50,249	50,249
GRV Vacant Land	-	0.103088	0	-	-
GRV M & T Workforce	598,432	0.154632	5	92,537	92,537
UV Mining	8,635,328	0.272505	379	2,353,170	2,353,170
UV Pastoral	548,580	0.080990	13	44,429	44,429
<b>Total General Rates</b>				<b>2,597,837</b>	<b>2,597,837</b>
<b>Minimum Rates</b>					
GRV Residential	148,085	477.00	52	24,804	24,804
GRV Commercial	-	477.00	0	-	-
GRV Vacant Land	5,397	477.00	37	17,649	17,649
GRV M & T Workforce	-	477.00	0	-	-
UV Mining	123,532	477.00	142	67,734	67,734
UV Pastoral	16,852	477.00	5	2,385	2,385
<b>Total Minimum Rates</b>				<b>112,572</b>	<b>112,572</b>
<b>Total General and Minimum Rates</b>				<b>2,710,409</b>	<b>2,710,409</b>
<b>Other Rate Revenue</b>					
Rates Written-off				(43,644)	(30,066)
Discounts / Concessions				(6,355)	(1,496)
Incentive Prize				(1,000)	(1,000)
Interim and Back Rates				5,000	1,358
<b>Total Funds Raised from Rates</b>				<b>2,664,410</b>	<b>2,679,204</b>

## SHIRE OF CUE

## NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 30 June 2023

## 10. GRANTS, SUBSIDIES AND CONTRIBUTIONS

## (a) Operating Grants, Subsidies and Contributions

	Grant Provider	Annual Budget \$	YTD Budget \$	YTD Actual \$
General Commission Grants	WA Government	520,000	520,000	2,402,420
Roads Commission Grants	WA Government	234,000	234,000	850,757
ESL Grant	FESA	7,500	7,500	7,088
Youth Program Grant		650	650	5,500
Donations Received		800	800	-
Australia Day Grant		20,000	20,000	17,666
MRWA RRG Direct Grant	MRWA	141,800	141,800	141,793
Road User Agreements		1,091,400	1,091,400	1,344,863
Road Maintenance		5,500	5,500	5,652
Diesel Fuel Rebate		35,000	35,000	16,019
Sundry Income Admin		5,000	5,000	1,691
<b>Total Grants, Subsidies and Contributions</b>		<b>2,061,650</b>	<b>2,061,650</b>	<b>4,793,448</b>

## (b) Non-operating Grants, Subsidies and Contributions

	Grant Provider	Annual Budget \$	YTD Budget \$	YTD Actual \$
Local Roads / Community Infrastructure	Federal	804,427	804,427	827,490
Pensioner Housing Development	WA Government	3,889,220	3,889,220	-
Deep Sewerage	Royalties for Regions	240,000	240,000	-
Great Fingall Mine Development	WA Government	1,500,000	1,500,000	-
Great Fingall Mine Development	Contribution	250,000	250,000	-
Bank of WA	RED	80,000	80,000	-
Playground	WA Government	110,000	110,000	-
Flood Damage Reimbursement	DFES	1,846,000	1,846,000	(23,142)
Airport Grants and Contributions	Contribution	200,000	200,000	200,000
Roads to Recovery	Federal	303,500	303,500	11,228
RRG - RRG Road Project Grant	RRG	180,000	180,000	180,000
<b>Total Grants, Subsidies and Contributions</b>		<b>9,403,147</b>	<b>9,403,147</b>	<b>1,195,576</b>

### 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

<b><i>Council Decision:</i></b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	

#### 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*.

<b>Council Decision:</b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	



**CIVIC LEGAL**

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# **Systems and Procedures Review**

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**Shire of Cue**

June 2023

Ref: 151452

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## 1. Introduction

Regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)* creates a statutory obligation for local government CEOs to review the effectiveness and appropriateness of the local government's systems and procedures at least once every three financial years.

The Shire of Cue (**Shire**) engaged Civic Legal to undertake a review of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance. This report aims to assist the CEO in their assessment of the appropriateness and effectiveness of the relevant systems and procedures in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)*.

This report addresses the three categories of risk management, internal control and legislative compliance.

## 2. Engagement Overview

### 2.1 Legislative Requirements

Regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)* states the following:

- (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.*

### 2.2 Timeframe

Civic Legal understands that the Shire completed its last regulation 17 review in May 2020. That review addressed all three categories (risk management, internal control and legislative compliance).

### 2.3 Scope of Engagement

The Shire has engaged Civic Legal to provide the following services in relation to the requirements of regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)*:

- > complete a review of a selection of the Shire's systems and procedures relating to risk management, internal control and legislative compliance;
- > seek to identify potential issues relating to the systems and procedures being reviewed;
- > provide suggestions for improvement; and
- > prepare a report summarising the matters identified during the review.



### 3. Review Methodology

Civic Legal has considered the *Local Government Operational Guidelines Number 09* in determining which systems and procedures to review.

The review methodology included:

- > interviewing relevant employees of the Shire; and
- > referencing core documents underlying the systems and procedures being reviewed.

Interviews were conducted via Microsoft Teams video calls, and reference documents were emailed to Civic Legal.

The interviews were conducted on 28 April 2023 and 4 May 2023.

### 4. Review Categories

#### 4.1 Risk Management

A risk management framework assists local governments to identify, evaluate and mitigate risks. Risk in the local government sector can relate to a variety of topics including, but not limited to:

- > finance;
- > asset management;
- > work health and safety; and
- > environmental and health management.

#### 4.2 Internal Control

Internal control comprises systems and procedures which optimise the efficiency of a local government and mitigate risk. Effective internal control requires a variety of strategies which include, but are not limited to:

- > up-to-date procedures and policies;
- > effective asset and human resource management;
- > compliance with relevant procedures, policies and standards; and
- > systems designed to promote accountability.

### 4.3 Legislative Compliance

Systems and procedures promoting legislative compliance support the principles of good governance and sound decision-making. These systems and procedures are driven by a culture of compliance, due diligence and high ethical standards. Legislative compliance includes compliance with the following:

- > legislation;
- > regulations;
- > Australian and industry standards; and
- > internal policies.

## 5. Results

### 5.1 Executive Summary

The Shire's risk management framework includes the *Risk Management Plan*, *Disaster Management Plan* and the *Local Recovery Plan* developed as a sub-plan of the *Local Emergency Management Arrangements*. Low numbers of employees present a challenge to organisational controls and risk management at the Shire. For instance, it is challenging to maintain the separation of roles and functions with a limited number of employees. However, the Shire appears to be aware of the associated risks and works closely with its auditors to do checks and mitigate risk where practicable.

Risk mitigation is also achieved through the engagement of external expertise where internal technical skills may be lacking. This practice enables the Shire to achieve technical accuracy, notwithstanding its limited internal human resources. For instance, the recent engagement of Prompt Safety appears to offer the Shire considerable work health and safety support.

Various key systems and procedures at the Shire appear to be understood by staff and operate well. However, they often lack the support of written procedural documentation. The smooth operation of various systems and procedures appears to rely on the industry knowledge and vigilance of the Shire's key senior officers. Therefore, the Shire should work toward capturing all key systems and procedures in written documents to ensure consistency and reduce the risk of corporate knowledge loss. The CEO should prioritise the procedures they consider pose the highest level of risk to the organisation. All written procedures and policies should include review details and be regularly reviewed.

Senior officers regularly communicate with staff, particularly regarding safety and ethical matters. Safety concerns, compliance and the Employee Code of Conduct are standing items on the Keyboard meeting agendas. Employees, particularly finance staff, are regularly reminded to report suspicious behaviours and transactions. Outdoor employees undertake daily Toolbox meetings, where workplace safety is a key consideration. These consistent communications assist in building an ethical and safety-conscious workplace culture.

The Shire is updated on amendments to legislation and other compliance matters through notifications provided by WALGA, LG Professionals and the Department of Local Government, Sport and Cultural Industries. The Shire manages its compliance with legislation using the Shire's *Compliance Calendar*.

## 5.2 Risk Management – Table of Results

The table below sets out:

- > the systems and procedures reviewed by our team;
- > a description of those systems and procedures based on the information provided by the Shire’s employees; and
- > our team’s suggested actions for the Shire to consider.

Risk Management			
System or procedure	Description	Suggested actions	
Risk management framework	<p>The Shire has adopted a <i>Risk Management Plan</i> (November 2021), which includes a risk matrix. We understand from officers that the Shire intends to draft a risk profile of its district to identify key areas of risk and relevant actions to mitigate those risks.</p> <p>The Shire does not have a council-endorsed risk management policy. However, it has a <i>Risk Management Procedure</i> (July 2017). The <i>Risk Management Procedure</i> was due to be reviewed in 2018.</p>	<p>Draft and have Council endorse a risk management policy to secure strategic direction.</p> <p>Draft a risk profile for the district to identify key areas of risk and relevant actions to mitigate those risks.</p> <p>Review the <i>Risk Management Procedure</i> (July 2017).</p>	<p>HIGH Planned to be completed in the next 12 months</p>
Risk reporting	<p>Weekly keyboard meetings include a standard safety item in which attendees can raise safety concerns. <i>Take-5 forms</i> are completed each morning by the works staff as well as pre-start forms for vehicles.</p> <p>The Shire has a <i>Hazard Identification and Reporting Procedure</i> (July 2017). When a report is made, a works request is completed, and the works are scheduled. <i>Works Request Forms</i> can be completed by Shire employees and members of the public to report something that may be unsafe or requires fixing. We understand from officers that a new follow-up procedure, requiring matters to be signed off by the CEO, is currently being implemented.</p> <p>Larger risk items will be included in weekly keyboard meeting discussions.</p>	<p>Expand the existing <i>Works Request Form</i> to capture general risk reporting (or alternatively, introduce a new risk reporting form).</p> <p>Create a register/status report of work requests to ensure they are managed to completion.</p> <p>Review the <i>Hazard Identification and Reporting Procedure</i>.</p>	<p>LOW The Shire was preparing an updated version of the form. Adding an area related to risk can be included</p>

## Risk Management

System or procedure	Description	Suggested actions
	<p>We understand from officers that the Shire's culture is one in which officers are confident they can safely report issues, including work health and safety concerns and cyber security concerns. The importance of risk reporting to achieve continuous organisational improvement is emphasised in staff meetings.</p>	
Business Continuity Planning	<p>The Shire's procedures to ensure business continuity is captured within its <i>Disaster Management Plan for Shire Records and Information</i> (June 2005). The Plan is required to be reviewed and updated on a biennial basis. The plan includes computer backup procedures. We understand from officers that these IT-related procedures were drafted in conjunction with the Shire's IT provider.</p> <p>A <i>Local Recovery Plan</i> (August 2017) has also been developed as a <i>Local Emergency Management Arrangements (LEMA)</i> sub-plan. This plan addresses local responses to community disasters. This includes alternate locations for the Shire's administrative functions should, for example, the current office be rendered uninhabitable. We understand from officers that the <i>Emergency Recovery Plan</i> is currently under review.</p>	<p>Draft a separate <i>Business Continuity Plan</i>, distinct from the records-focused <i>Disaster Management Plan</i>.</p> <p>Ensure all plans, including the <i>Disaster Management Plan</i> and the <i>Local Recovery Plan</i>, are regularly reviewed, and review details are included in the plan.</p> <p>Include the <i>Disaster Management Plan</i> and <i>Local Recovery Plan</i>'s review deadlines in the <i>Compliance Calendar</i> if not done so already.</p>
Addressing incorrect accounting estimates	<p>Budget items can be adjusted during the budget review. This may be required, for example, where the Shire receives an unexpected grant to support a particular project. We understand from officers that councillor workshops and forums are held to present the details of any significant adjustments prior to being presented to Council. Where variations are made, another purchase order may be required.</p> <p>We understand from officers that monthly reports to Council provide a breakdown of capital projects, including variances.</p>	<p>Consider drafting a policy or procedure for addressing incorrect accounting estimates or judgements. This should address the legislative budget review process as well as how best to manage these financial impacts outside of the legislated review process.</p>
Dealing with claims and litigation	<p>We understand from officers that insurance claims are generally dealt with by the CEO or DCEO in close consultation with LGIS. LGIS provides the Shire with the necessary forms to complete and lodge in order to process the claims.</p>	<p>For insurance claims, develop procedures to complement current practice, e.g. procedures to distinguish between duty-of-care</p>

<p>HIGH Planned to be completed over the next 12 months</p>
<p>LOW Estimates are used due to the significant cost required to be added to every project related to quantity surveyors, engineers, architects etc.</p>

Risk Management			
System or procedure	Description	Suggested actions	
	Litigious matters are also dealt with in close consultation with LGIS. We understand from officers that LGIS will often nominate a legal firm to represent the Shire. The Shire will closely follow recommendations by LGIS. There is no procedure specifically relating to the handling of litigious matters. However, the Shire does have a <i>Legal Advice Policy</i> (date unknown).	claims and other types of litigious claims as well as procedures for how to manage duty-of-care claims prior to lodgement of claims with LGIS.	LOW The procedure is the same for any type of claim, in which, the Shire contacts LGIS and we follow their instruction
Preventing and uncovering misconduct, fraud and theft	<p>We understand from officers that the risk of misconduct, fraud or theft is minimised in part by the small size of the organisation. That is, fewer transactions are undertaken, and only the CEO is authorised to make purchases of \$5,000 or more. Furthermore, the limited number of transactions enables senior staff and the auditors to review a greater proportion of the Shire's activities. We also note that expenditure authorisations are set in Synergy, which does not allow officers to exceed their set limits.</p> <p>Misconduct, fraud and theft are also minimised through various procedures. For instance, cash handling procedures, record keeping procedures, recording and reconciliation of fuel usage, finance practices and regular analysis of fuel consumption of vehicles. We note that not all of these procedures are captured in written documents.</p> <p>The officers consider the positive culture of the organisation to effectively discourage misconduct and promote reporting any concerns. All employees receive a copy of the <i>Employee Code of Conduct</i> during inductions. The Code of Conduct is a standing item at keyboard meetings. Finance officers are regularly reminded to report suspicious activity, including to the CCC.</p>	Ensure staff are required to sign off on the <i>Employee Code of Conduct</i> during the induction process if not done so already.	LOW The payroll officer can follow up on this
Environmental risk management	<p>The Shire does not have an environmental management plan.</p> <p>The Shire engaged GHD to develop a <i>Site Management and Rehabilitation Plan: Cue Refuse Site</i> (January 2023). We understand from officers that this draft plan will likely be endorsed in the near future.</p>	Develop an <i>Environmental Risk Management Plan</i> .	MEDIUM Planned to do within the next 24 months
Work Health and Safety (WHS) procedures	We understand from officers that the outside crew sign in and complete a breath test every workday morning. This is recorded in the Toolbox Meeting notes. A toolbox meeting is conducted every morning for approximately 30 minutes. We understand from officers that safety is regularly discussed during these meetings. <i>Take-5 forms</i>		

**Risk Management**

System or procedure	Description	Suggested actions
	<p>and pre-starts are completed at this time. Shire officers recognised that safety procedures could be better documented.</p> <p>The inside employees may be subject to random breath tests.</p> <p>LGIS has recently completed a safety review at the Shire as part of the <i>Three Steps to Safety</i> program. The resulting assessment report and WHS action plan provided various recommendations, particularly in relation to the documentation of safety practices.</p> <p>The Shire has recently engaged an external contractor (Prompt Safety) to assist in implementing a new safety regime in compliance with recent changes to WHS legislation. We understand from officers that the contractor provides a suite of template documents and forms to ensure practices are appropriately documented and recorded. As a part of this regime, all staff and vehicles will be equipped with a <i>Safe Work Practices Manual</i>, which includes various operating procedures. We understand from officers that a safety component will also be introduced to the induction practices. The contractor will also provide quarterly reviews.</p>	
<p>Managing insurable risks and ensuring the adequacy of insurance</p>	<p>The Shire's insurance policy is reviewed on an annual basis. We understand from officers that the Shire engages in considerable deliberations with their LGIS Insurance Manager prior to finalising their insurance policy. This includes completing an extensive insurance questionnaire. The Shire's IT provider completes questions relating to cyber security and IT.</p> <p>We understand from officers that the Shire's assets are valued regularly every three to five years, including its heritage buildings. Insurance values and replacement costs are provided. This assists in creating a suitable insurance policy. We understand from officers that the heritage status of relevant buildings is documented in the property register.</p> <p>The Shire demonstrates some reliance on the expertise of LGIS. However, this appears to be in line with industry standards.</p>	

**Risk Management**

System or procedure	Description	Suggested actions	
Addressing control weaknesses identified by the external auditor	<p>Audit letters are presented to the Audit Committee. We understand from officers that when the letter is presented, some items may already have been addressed, or officers' recommendations for action are provided. Generally, officers do not provide status reports of items identified in the audit letter to the Audit Committee beyond this initial report. This approach is also taken in relation to previous Regulation 17 reviews.</p> <p>We understand from officers that Audit Committee recommendations are presented to Council for consideration at the following ordinary council meeting. However, the council minutes inspected appeared to only allow for Council consideration of select Audit Committee recommendations, as opposed to all recommendations.</p> <p>There is no written procedure for ensuring control weaknesses identified by the external auditor are recorded and attended to. However, we note that any outstanding items would be checked the following year by the external auditor.</p>	<p>Introduce a <i>Status of Resolutions of the Audit Committee</i> report to ensure all resolutions are addressed, and the Audit Committee is kept apprised of those matters.</p> <p>Ensure that all recommendations from the Audit Committee meetings are presented to Council for its consideration and decision.</p>	<p>LOW  All legislative items are taken to Council. The auditors verify the actions have been taken. There are only minimal items taken to Council so not sure of the cost/benefit of introducing this report</p>
Controls for unusual types of transactions or high-risk transactions	<p>The Shire often engages external expertise where there are high levels of risk, or technical skills are required. The CEO determines when external expertise may be required.</p> <p>For example, a heritage architect and structural engineer were engaged to undertake to the restoration of the lodge. The project was managed by the heritage architect. The project management for the reseal of the airport runway was also outsourced.</p>	<p>Draft guidelines to support the making of decisions to engage external consultants..</p> <p>Consider developing written procedures for high-risk or otherwise important procedures, particularly where external research/decision-making is required. This should provide employees with guidance regarding when and where external information/approvals should be sought.</p>	<p>LOW  This is controlled by the CEO, MWS and DCEO. Employees can't approach external consultants without permission. Its done project by project and may not be consistent over projects</p>
Procurement Framework	<p>The Shire has a <i>Purchasing Policy</i> (May 2020) and a <i>Regional Price Preference Policy</i> (April 2020). The <i>Purchasing Policy</i> outlines purchasing thresholds, including quotation requirements.</p>		



**Risk Management**

System or procedure	Description	Suggested actions
	<p>Only three employees have the authority to make purchases: the CEO, DCEO and Works Manager. All expenditure over \$5,000 requires CEO approval.</p> <p>We understand from officers that the Shire regularly uses WALGA-preferred suppliers.</p>	
Use of corporate credit cards	<p>The Shire has a <i>Use of Corporate Credit Card Policy</i> (date unknown).</p> <p>The Shire has one corporate credit card, which is assigned to the CEO.</p>	
Communicating changes to the Shire's control environment to relevant employees	<p>Weekly meetings are held with key employees, including administration, depot management, and tourist park employees. The agenda for these meetings includes various standing items such as 'safety improvements and concerns' and 'legislation/compliance/code of conduct'.</p> <p>Toolbox meetings are held on a quarterly basis for all members of staff, in which changes to the control environment can be raised. We understand from officers that the CEO also attends depot pre-starts on a reasonably regular basis.</p>	
Induction procedures	<p>All new employees at the Shire receive an <i>Induction Pack</i> (2021) as part of the Shire's onboarding process. This addresses and has a strong focus on occupational health and safety. The same <i>Induction Pack</i> is provided to all employees, as well as contractors. Another employee will be assigned to show the new employee around the workplace on their first day(s).</p> <p>We understand from officers that a new safety component is in development to be included in the induction process. This is being developed with the assistance of external contractors, Prompt Safety.</p>	<p>Review the <i>Induction Pack</i> to ensure it is contemporary.</p> <p>If not done so already, ensure that all employees are required to sign off on the <i>Induction Pack</i>, to confirm that all information has been read and understood.</p> <p>Employees should also sign to confirm they have received the <i>Code of Conduct</i>.</p> <p>Consider developing two specialised <i>Induction Packs</i>; one for depot workers and one for administration officers.</p>

LOW  
 The payroll officer can follow up on this



## Risk Management

System or procedure	Description	Suggested actions	
IT management plan and data recovery procedure	<p>The Shire does not have an IT management plan. However, a <i>Disaster Recovery Plan</i> is located within the <i>Business Continuity Plan</i>.</p> <p>We understand from officers that the Shire's data is backed up onsite and in Perth through the Shire's external IT provider. This includes all synergy documents. If required, the IT provider is able to deploy an emergency server ready for use in 48 hours.</p> <p>We understand that the Shire is currently moving to a cloud-based system.</p>	Draft an <i>IT Management Plan</i> in consultation with the Shire's IT provider. This plan should be considered and reviewed at biannual meetings with the IT provider.	MEDIUM/HIGH Planned to be completed within the next 24 months
Cyber security	<p>The Shire relies on its external IT provider in relation to the security of the server and data. The IT provider provides the Shire with monthly health checks. They also complete the insurance questionnaires relating to cyber security requirements. We understand from officers that CEO authorisation is required prior to the IT provider making any administrative changes or installing new software. Audit trails exist for all changes made by the provider.</p> <p>The Shire has been assured by their IT provider that a two-factor identification system is in place. We understand from officers that all laptops/devices require authentication within the system.</p> <p>The Shire does not undertake penetration testing.</p>	Consider conducting further cyber security awareness training for employees (e.g. regarding phishing emails).	MEDIUM/HIGH It is discussed at morning meetings and should continue
Emergency evacuation procedures	<p>The Shire's occupiable buildings contain emergency evacuation plans and have designated muster points. We understand from officers that the emergency evacuation plans have not been reviewed in recent years.</p> <p>The Shire does not conduct emergency evacuation drills.</p>	<p>Ensure periodic emergency evacuation drills are conducted.</p> <p>Ensure all evacuation plans are reviewed in accordance with relevant legislative requirements.</p> <p>Include a reminder to review the evacuation plans in the <i>Compliance Calendar</i>.</p>	LOW These can be organised at Admin, Depot and Youth

### 5.3 Internal Control – Table of Results

The table below sets out:

- > the systems and procedures reviewed by our team;
- > a description of those systems and procedures based on the information provided by the Shire’s employees; and
- > our team’s suggested actions for the Shire to consider.

Internal Control			
System or procedure	Description	Suggested actions	
Delegation register review	<p>The Shire maintains a <i>Delegated Authority Register 2022 – 2023</i> (July 2021). We understand from officers that the CEO reviews the delegations annually in accordance with legislative requirements. We note that the date of the last review is noted in the document as having taken place on 20 July 2021. This would appear to be an administrative error. There is no written procedure to support the annual review of <i>Delegated Authority Register</i>.</p> <p>The only employee with delegated authority is the CEO (or someone acting as the CEO). We understand that sub-delegations to the Ranger and Environmental Management Office are conducted via their employment contracts and are reviewed separately to the <i>Delegated Authority Register</i>.</p>	<p>Draft a procedure(s) for developing, reviewing, notifying employees, and recording the use of delegations and sub-delegations.</p> <p>Ensure the <i>Delegated Authority Register</i> is reviewed within the 2022/23 year, and the date of review contained in the document is updated accordingly.</p>	<p>LOW            Only the CEO has delegated authority. So not sure what the cost/benefit of this would be</p>
Recording use of delegations	<p>The CEO records his use of delegations in an Excel spreadsheet in accordance with legislative requirements.</p>		
Policy manual review	<p>The Shire maintains a <i>Policy Manual</i> (June 2022). The <i>Policy Manual Amendments Register</i> indicates that a complete review of the <i>Policy Manual</i> was last completed in 2015. However, individual policies have been reviewed since then. There is no formal procedure for conducting reviews of the Shire’s policies. However, we understand from officers that reviews are conducted on a regular basis. The <i>Policy Manual</i> is currently due to be reviewed.</p>	<p>Update the date of the <i>Policy Manual</i> from November 2020 to June 2022</p> <p>Ensure review details are included in all policies.</p>	<p>HIGH            Planned to be completed in the next 12 months</p>

**Internal Control**

System or procedure	Description	Suggested actions
	<p>The Shire's Council policies are available on the Shire's website.</p>	<p>Ensure the <i>Policy Manual Amendments Register</i> is kept up to date.</p> <p>Include a reminder in the <i>Compliance Calendar</i> to conduct a periodic policy review if not already done so.</p>
<p>Compliance Calendar</p>	<p>The Shire maintains a <i>Compliance Calendar</i>, which is managed primarily by the Executive Assistant. The <i>Compliance Calendar</i> contains reminders for various compliance matters and other tasks like budget deliberations and setting fees and charges. An automated email is generated, attaching a report identifying required tasks and due dates. The status of each task can be updated to indicate whether the task is in progress or completed. When closing out an item, the task can be reset for the following year.</p>	<p>Consider expanding the use of the <i>Compliance Calendar</i> to include further 'non-compliance' tasks to limit the loss of corporate knowledge and lower the risk of periodic tasks not being undertaken. Consider retitling it as the "<i>Corporate/Compliance Calendar</i>".</p>
<p>Confirmation of employee qualifications</p>	<p>Where employees require a qualification, this is included in the job description (often as 'desirable') and advertising. Legislation may be considered in order to establish necessary qualifications, or the Shire may confirm requirements with the Department of Local Government, Sport and Cultural Industries.</p> <p>However, we understand from officers that the Shire is more often than not required to provide training to the successful candidate. For example, the Shire provides training to multi-trailer truck drivers and outdoor crew in order to achieve the required tickets/licences.</p> <p>We understand from officers that the Shire had previously maintained a Training Matrix to report training requirements. However, this has not been used for some time. Qualifications are recorded on personnel files.</p>	<p>Introduce a qualifications register (or reintroduce the Training Matrix) to record all qualifications and their expiry dates.</p>

LOW  
 We do log work in the weekly meetings. Synergy is obsolete so a new system is needed. We have started using Planner

MEDIUM  
 Depot admin staff can follow up on this

Internal Control			
System or procedure	Description	Suggested actions	
Internal audits/reviews	<p>The Shire does not have a formal framework for conducting internal audits. However, we understand from officers that regular checks are undertaken to ensure the accuracy of records. This includes, for example, checking vehicle battery stocks, end-of-day balance checks, and analysis of tourist park costs and airport fees. End-of-day and end-of-month checklists are reviewed by the DCEO to ensure they are completed.</p> <p>Accounting procedures also require various internal checks, including the reconciliation of accounts and confirming that creditors were authorised by senior employees.</p>	<p>Draft an <i>Internal Audit Plan</i> to identify the frequency and topics of internal audits to be undertaken.</p> <p>Consider reporting findings of internal audits to the Audit Committee where appropriate.</p>	<p>LOW The Shire is audited and they do review these items</p>
Liaising with auditors	<p>We understand from officers that the Shire regularly seeks, from their external auditor, clarification regarding the interpretation of regulatory requirements.</p>		
Liaising with legal advisors	<p>The Shire has a <i>Legal Advice Policy</i> (date unknown) outlining the circumstances in which legal advice may be obtained. The need for obtaining legal advice is ultimately determined by the CEO. Only the CEO is authorised to access legal advice, although the CEO may approve other employees to obtain legal advice.</p>	<p>Ensure review details are included in the <i>Legal Advice Policy</i>.</p> <p>Amend the <i>Legal Advice Policy</i> to promote selection from law firms on the WALGA preferred supplier panel.</p>	<p>LOW Will be completed when time permits</p>
Authorising documents, letters, emails and financial records	<p>We understand from officers that it is understood that all official communications must be approved and signed by the CEO. Where convenient and falling within the position description, the DCEO may authorise some communications, such as rates recovery. However, this is not reflected in an official policy.</p> <p>We understand from officers that wherever possible, the CEO generally oversees all communications, even when CEO approval is not required, so as to maintain awareness and ensure consistency of approach for all matters.</p>	<p>Draft an operating procedure establishing employee levels of authority to approve various documentation and communications.</p>	<p>LOW The DCEO only approves minor documents, such as quarterly grant reporting</p>
Separation of roles and functions	<p>Although separations of roles and functions are limited by the small number of employees at the Shire, separation is ensured where possible, particularly in regard to financial procedures. We understand from officers that the importance of separation is regularly discussed, and the Shire works closely with its auditors to ensure it exists wherever possible. Where separation is not possible, various alternative checks are enforced.</p>	<p>Draft written procedures to support existing financial practices.</p>	<p>LOW Will be completed when time permits</p>

Internal Control		
System or procedure	Description	Suggested actions
	<p>For example, when a new supplier is listed, this is processed by lower-level staff and signed off by either the DCEO or the Finance Manager. Payments also require multiple officers to be involved (e.g. one officer must sign to confirm the goods or service was received, and another must recommend it for payment). Journals are reviewed quarterly to ensure two signatures are provided for all. Payroll is checked by multiple officers, including the CEO. The payroll practices are captured in a written procedure.</p> <p>Journals should be completed by lower-level staff and reviewed by senior staff. However, complete separation is challenging as lower-level staff require considerable supervision and regular assistance.</p> <p>Officers who rent their homes from the Shire are not permitted to complete purchase orders or sign invoices relating to those properties.</p>	
Restricting access to physical assets and records	<p>General records, as well as rates and property records, are kept in a fireproof room. Those who want access to those documents must sign them out (and back in) through the front desk receptionist, who has a key to the room.</p> <p>Confidential records, including personnel files, are kept in a filing cabinet in another fireproof room. A key to that door and cabinet is in a lockbox, which can be opened with a code.</p> <p>We understand from officers that portable/attractive assets are generally kept in a secure area located next to the Works Manager's office. However, some portable/attractive assets are kept elsewhere. For example, some cordless equipment is kept in vehicles and sheds. Employees are required to speak to the Works Manager or Administration Office prior to removing tools and other items from the secure area. The fuel bowser is locked. We understand that most depot employees have access to a key to the bowser. However, all fuel accessed must be accounted for in the fuel records sheets.</p> <p>The Shire buildings were re-keyed in the last 12 months. All keys to Shire buildings are required to be signed in and out. The <i>Key Register (2022)</i> is managed by the Executive Assistant. There are only two master keys, assigned to the CEO and DCEO. Existing employees are required to complete forms to sign back in any assigned keys.</p>	

**Internal Control**

System or procedure	Description	Suggested actions	
Restricting access to electronic documents and records	<p>Access to electronic records is restricted through the application of access levels and user groups. The CEO and DCEO have unrestricted access to the T-Drive. All other employees are assigned to a user group in which particular files cannot be accessed. This system is managed by the Shire's IT provider.</p> <p>To change an employee's access to electronic documents, a request must be made to the IT provider and confirmed by the CEO or DCEO (generally via email). This requirement is generally understood but not captured in formal documentation.</p>	Draft a procedure for changing employees' access to electronic records. This may be included in the <i>IT Management Plan</i> once drafted.	<p>LOW/MEDIUM                      This will evolve as we move digital and to new software</p>
Updating computer applications and information systems	<p>The Shire's IT provider manages the general server and Windows Office updates. We understand from officers that these updates are captured in monthly health checks provided by the IT provider.</p> <p>Every six months, the Shire meets with the IT provider. Feedback from these meetings will generally initiate future actions.</p> <p>We understand from officers that Office 365 updates automatically, and Synergy is updated by the Shire approximately biannually. The Synergy provider will issue email notifications when a software update is required.</p>	<p>Ensure meetings with the IT provider are scheduled in the <i>Compliance Calendar</i> if not done so already.</p> <p>Ensure there is a standing item on the IT provider meeting agenda to consider the upgrading of hardware and software.</p>	<p>LOW                      We do contact the IT provider regularly at the moment, especially with the move to digital</p>
Authorising changes to data files and systems	<p>All employees are required to complete records management training.</p> <p>Changes to hard copy records or the administration of electronic files (e.g. location, key words) generally must be requested through the Records Officer. The content of electronic records can be amended by those employees who have access to the electronic file. However, audit trails will record any such change and who made the change. We note that the ability to amend finalised electronic records is an area of concern. However, it is for the CEO to assess this risk against the cost of introducing a more comprehensive dedicated records system.</p> <p>We understand from officers that important documents are often stored in hard copy.</p>	<p>Ensure the Records Officer is suitably trained in relation to modifying records.</p> <p>Draft a procedure for seeking changes to an inaccurate record.</p>	<p>LOW                      We are moving to digital record keeping which will include a procedure and limited access</p>
Maintaining and reviewing financial control accounts	<p>The processing of creditors is based on purchase orders. Descriptions of accounts are often provided to assist employees when allocating account files. The DCEO reviews all creditors and the allocated accounts.</p>	Continue to build a procedural manual for the Shire's financial and accounting systems. Priority should be given to high-risk matters. We note that various procedures may	<p>MEDIUM                      This is happening as we move digital</p>

Internal Control		
System or procedure	Description	Suggested actions
	<p>Administration cost allocation percentages are reviewed annually. Excel spreadsheets capture how much time is allocated to each area. Financial officers who are new to local government undergo an up to six-month training process with the DCEO. Generally, on-the-job training is not supported by procedural documents.</p> <p>We understand from officers that purchasing training is currently being undertaken by relevant employees. Generally, employees are encouraged to ask questions where they are unsure.</p>	<p>change when Altus is introduced. These procedures may be best documented once Altus is in place.</p>
Comparing financial results against budgeted amounts	<p>Monthly financial reports presented to Council include variance reporting. We understand from officers that these variance reports are conducted at a high level but are in accordance with legislative requirements.</p>	
Ensuring (arithmetical) accuracy of records	<p>Employees are required to complete accurate records in accordance with their training and the Code of Conduct for employees. An example of this is that the Shire maintains an <i>Attractive Assets Register (2023)</i>. We understand from officers that these registers are continually updated as items are purchased and retired, and a complete review and update are undertaken approximately twice a year. Another example is the running reconciliation each month in regard to fuel stocks.</p> <p>Valuations of the Shire's assets are undertaken every three to five years.</p>	
Reviewing and reporting on the approval of financial payments	<p>Monthly financial reconciliations are prepared and signed off by the DCEO and CEO. Financial payments are processed internally. Invoices are printed and stamped. The invoice is signed by the person collecting the goods or overseeing the delivery of service as well as another officer who authorises payment. It is then reviewed by the DCEO and Finance Manager before it is updated to the bank. The CEO provides final authorisation. This process is not captured in a written procedural document.</p>	<p>Draft written procedures to support these existing account payment practices. We note that these procedures will change when Altus is introduced. These procedures may be best documented once Altus is in place.</p>
Comparing physical cash and inventory counts with accounting records.	<p>Cash is accepted at the tourist park, the laundry and the administration office. Cash is reconciled daily at the tourist park and brought to the administration office, where the end-of-day report is reviewed. This procedure is captured in a written procedure.</p>	<p>Review the <i>Cash Handling Washing Machine &amp; Dryer Coins (Tourist Park) Procedure (July 2019)</i> to ensure it is current.</p>
		<p>N/A This is in place. Testing will commence in July</p> <p>LOW This will be done when time permits</p>



Internal Control		
System or procedure	Description	Suggested actions
	<p>Two members of the administration team are required to collect the coins from the laundry every couple of weeks. One officer attending must be either the CEO, DCEO or Finance Manager. The coins are counted and signed off before being processed for banking. This procedure is captured in a written procedure.</p> <p>The administration's petty cash is managed in accordance with a procedural document.</p>	<p>Ensure review deadlines are included on all procedural documents.</p> <p>Review the <i>Petty Cash Policy and Procedure</i> (February 2019) to ensure it is current.</p>
Records management procedures	<p>The Shire has a <i>Record Keeping Plan (2022)</i> in accordance with legislative requirements. We understand from officers that the Plan is currently under review.</p> <p>The Shire also has a <i>Record Keeping Policy</i> (date unknown).</p> <p>The plan outlines the training and activities implemented to ensure staff awareness and compliance with record-keeping requirements. We understand from officers that all staff must sign to confirm that they have completed the required training.</p>	<p>Ensure the <i>Record Keeping Policy</i> contains review details.</p>
Asset management plan	<p>The Shire has a <i>Workforce Plan 2021-2026</i> (June 2021), <i>Strategic Community Plan 2023-2028</i>, <i>Corporate Business Plan 2024-2028</i> (date unknown), and <i>Strategic Resource Plan 2018-2023</i> (April 2019).</p> <p>The <i>Strategic Resource Plan 2018-2023</i> contains the <i>Asset Management Plan</i> and <i>Long Term Financial Plan</i> as per the department's framework. We understand from officers that the <i>Asset Management Plan</i> is reviewed annually.</p>	

MEDIUM  
 Planned update in the next 12 months



## 5.4 Legislative Compliance – Table of Results

The table below sets out:

- > the systems and procedures reviewed by our team;
- > a description of those systems and procedures based on the information provided by the Shire’s] employees; and
- > our team’s suggested actions for the Shire to consider.

Legislative Compliance		
System or procedure	Description	Suggested actions
Ensuring compliance with legislation, regulations, industry standards and internal policies	<p>The Shire utilises external expertise where deemed appropriate. For instance, external providers were engaged to assist the Shire’s transition to the state employment award system.</p> <p>The Shire also utilises WALGA template documents where possible, including template codes of conduct and policies. Similarly, the finance team utilise Moore Australia templates.</p>	
Reviewing the annual Compliance Audit Return ( <b>CAR</b> ) and reporting the results to Council	<p>We understand from officers that a draft response to the CAR is completed by both the CEO and DCEO. Other staff members may be asked to follow up with particular questions. Officers refer to internal records where appropriate to ensure questions are answered correctly, including the <i>Council Meeting Item Register</i> (November 2022) and the <i>Tender Register</i>. The relevant council resolution may be noted; however, supporting evidence for the Shire’s responses is generally not provided.</p> <p>Any non-compliances identified will be reported to the Audit Committee. Generally, the administration does not report back to the Audit Committee in relation to addressing those areas of non-compliance. We understand from officers that non-compliances are rare.</p>	<p>Consider formalising the practice of completing the CAR with a written procedure, including, for example, the requirement for sample testing.</p> <p>Ensure the <i>Council Meeting Item Register</i> is kept up to date.</p>

LOW  
 It is done by the CEO who can choose how to perform it. The Shire now uses Resolve so a register is not required

## Legislative Compliance

System or procedure	Description	Suggested actions
Monitoring legislative change and implementing relevant amendments to the local government's systems and policies	<p>The Shire receives notifications from various industry authorities, including WALGA, LG Professionals, and The Department of Local Government Sport and Cultural Industries. These notifications often provide information regarding changes to legislation, employee award requirements, and other compliance matters.</p> <p>The CEO will also attend CEO forums and conferences regarding legislative changes where possible.</p>	
Receiving, recording and addressing complaints	<p>The Shire has a <i>Customer Service Charter</i> (date unknown) and a <i>Public Complaints Policy</i> (date unknown). <i>General Complaints Forms</i> (date unknown) and <i>Staff Complaint Forms</i> (unknown) are available at the administration office, and complaints are assessed by the CEO. Public complaints are often addressed via a <i>Works Request Form</i>.</p> <p>A <i>Complaints Register</i> relating to elected members is available on the Shire's website in accordance with legislative requirements. No complaints regarding councillors were received from 2019 to the date of interviews.</p> <p>Complaints not relating to councillors are not captured in a register, although a complaints file is maintained.</p> <p>We understand from officers that employees tend not to utilise complaint forms and instead express complaints directly to senior officers via their 'open door policy'.</p> <p>The CEO is the Shire's PID officer.</p>	<p>Ensure the complaint forms are available on the Shire's website.</p> <p>Review the <i>General Complaints Form</i> to ensure it is suitable for the various types of complaints that may be received.</p> <p>Implement a register which records all complaints that are not regarding councillors and how there were addressed or why they were not addressed.</p> <p>Consider drafting written procedures to complement the <i>Complaints Policy</i>, including recording requirements.</p> <p>Include review and adopted details in the <i>Customer Service Charter</i> and <i>Public Complaints Policy</i>.</p>
Identifying and managing adverse trends	<p>The Shire's senior officers have an 'open door policy'. We understand from officers that staff regularly discuss topics of concern with senior officers.</p> <p>Historically, "gossiping" has been an issue at the Shire. Staff identified as not complying with the Code of Conduct due to bullying or gossiping may be required to undertake bullying training. The Shire's dedication to the Code of Conduct and its</p>	

LOW  
 Planned to be updated with the website over the next 12 months

**Legislative Compliance**

System or procedure	Description	Suggested actions
	<p>culture was recently evidenced through the engagement of external investigators in relation to bullying concerns. The Shire undertook the recommendations provided by the investigators following the investigation.</p> <p>Staff meetings are often used to promote the Shire’s desired culture. Adverse trends, including an increase in gossiping, may be addressed at staff meetings, including Keyboard and Toolbox meetings. The admin staff also attend daily morning meetings during which issues such as fraud may be discussed. At these meetings, staff are regularly reminded to report suspicious activities.</p>	
<p>Minimising ethical breaches</p>	<p>Ethical standards are addressed in the <i>Code of Conduct for Employees</i>. The Code of Conduct exists as a standing item in weekly keyboard meetings.</p> <p>We understand from officers that one-on-one meetings are conducted by senior employees where issues are identified. General issues may also be discussed at quarterly staff meetings.</p> <p>We understand from officers that bullying and harassment training and workplace and harassment training are undertaken by Shire employees.</p> <p>We understand from officers that Shire employees, especially finance staff, are encouraged to report suspicious activities.</p> <p>Ethical concerns are generally not reported to the Audit Committee.</p>	
<p>Ensuring the audit committee understand and comply with all relevant requirements</p>	<p>The Audit Committee is comprised of all councillors but one. Audit Committee meetings are conducted immediately prior to Council meetings. The Council is then required to accept all recommendations of the Audit Committee via resolution.</p> <p>The Audit Committee is guided by the <i>Audit Committee Terms of Reference</i> (July 2013). We note that the <i>Audit Committee Terms of Reference</i> requires all councillors to be a member of the Audit Committee.</p> <p>The <i>Code of Conduct for Council Members, Committee Members and Candidates</i> (date unknown) is addressed during councillor induction sessions. Councillor inductions are guided by the <i>Elected Member Induction Handbook</i> (October 2021). No audit-specific training is provided to the audit committee members beyond the mandatory training modules.</p>	<p>Review the <i>Audit Committee Terms of Reference</i>.</p> <p>Consider reviewing and expanding the Audit Committee’s role for it to also consider organisational risk.</p> <p>Consider reducing the membership of the Audit Committee so as to reinforce the separation of its role from the role of Council.</p>

LOW  
 Planned to be reviewed over the next 24 months

**Legislative Compliance**

System or procedure	Description	Suggested actions	
Monitoring compliance with legislation and regulations in regard to tendering and procurement	<p>We understand from officers that the Shire does not regularly engage in transactions that require a tendering process.</p> <p>The management of the previous two tenders was undertaken by external providers due to the technical requirements of the projects. Whilst Shire employees attend the tender opening, external providers submit a complete report and other relevant documentation to the Shire once the process is complete.</p> <p>When tenders are conducted internally, the Shire's tender opening documentation is followed to ensure consistency with legislation.</p> <p>The Shire reviews the <i>Tender Register</i> (January 2023) prior to the annual audit.</p>	<p>Ensure the <i>Code of Conduct for Council Members, Committee Members and Candidates</i> is dated.</p> <p>Implement audit-specific training for the Audit Committee.</p> <p>Ensure staff are well trained and supervised in regard to tendering and procurement processes.</p>	<p>LOW Controlled by the CEO</p>
Review of Local Laws	<p>The requirement to undertake a review of the Shire's local laws is captured in the <i>Compliance Calendar</i>. The <i>Compliance Calendar</i> indicated that the local laws are due to be reviewed in October 2023.</p>	<p>Commence the local law review process.</p>	<p>HIGH Currently being reviewed</p>

## Appendix 1: Resources (employees interviewed)

Name	Position/Title
Glenn Boyes	Deputy Chief Executive Officer
Richard Towell	Chief Executive Officer

## Appendix 2: Resources (documents sighted)

Document Title	Date
Attractive Assets Register	2023
Audit Committee Terms of Reference	Adopted July 2013
Cash Handling Washing Machine & Dryer Coins (Tourist Park) Procedure	Reviewed March 2019
Code of Conduct for Council Members, Committee Members and Candidates	Date unknown
Code of Conduct for Employees	Date unknown
Complaints Register	Last updated 2022
Compliance Calendar	Date unknown
Compliance Calendar Report	April 2023
Contractors Agreement – Letter of engagement	October 2020
Corporate Business Plan 2024-2028	Date unknown
Council Meeting Item Register	Last updated November 2022
Customer Service Charter	Date unknown
Depot Emergency Evacuation Plan	Date unknown
Delegated Authority Register 2022-2023	Reviewed July 2021
Disaster Management Plan for Shire Records and Information	June 2005
Elected Member Induction Handbook	October 2021
Emergency Evacuation Map – Cue Tourist Park	Date unknown
End of Day Cash Handling (Tourist Park) Procedure	Reviewed May 2022
End of Month Checklist	March 2023
EOM Reconciliation Summary for the Period Ending 28 February 2023	March 2023
Evacuation Plan - Reception	Date unknown
Evacuation Plan – Upstairs Display Area	Date unknown
General Complaint form	Date unknown
Hazard Identification and Reporting Procedure	Last reviewed July 2017
Induction Pack	2021
Keyboard Agenda	February 2023
Key Register	2022
Legal Advice Policy	Date unknown
LGIS 3 Steps to Safety: Step One – Assessment Report	February 2023
LGIS 3 Steps to Safety: Step Two – WHS Action Plan	February 2023
Local Emergency Management Arrangements	2017
Local Recovery Plan	August 2017
Ordinary Council Meeting Minutes	November 2021
Payroll Procedure	Updated January 2023
Petty Cash Policy and Procedure	Reviewed April 2019
Policy Manual	June 2022
Position Description: Manager Finance	December 2018
Position Description: Senior Administration and Finance Officer	December 2016

<b>Document Title</b>	<b>Date</b>
Public Complaints Policy	Date unknown
Purchasing Policy	Reviewed May 2020
Record Keeping Plan	2022
Regional Price Preference Policy	Reviewed April 2020
Risk Management Plan	Adopted November 2021
Risk Management Procedure	Reviewed July 2017
Site Management and Rehabilitation Plan: Cue Refuse Site (draft)	January 2023
Staff Complaint Form	Date unknown
Strategic Community Plan 2023-2028	Date unknown
Strategic Resource Plan 2018-2023	April 2019
Take 5 form	May 2023
Tender Register	Updated January 2023
Tender Register (tender opening)	February 2023
Toolbox Meeting notes	April 2023
Use of Corporate Credit Card Policy	Date unknown
Use of Delegations Spreadsheet	Last updated April 2023
Workforce Plan 2021-2026	Review June 2021
Work Request Form	April 2023

## Disclaimer

This report has been prepared on the basis of information provided to Civic Legal by the employees of the Shire of Cue. The information was provided in the course of a review conducted by Civic Legal. That review was in the nature of a due diligence exercise, calculated to produce the descriptions contained in this report. Where options are suggested for management action, they do not constitute legal advice, as the provision of legal advice is outside the scope of the review. It is also outside the scope of this review for Civic Legal to review the content of any individual policies, plans or other documents.



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## 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.

<b><i>Council Decision:</i></b>	<b>Voting Requirement:</b> Absolute Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	



# **Shire of Cue**

## **Delegated Authority Register**

**2023 – 2024**

**Date last reviewed by Council: 19 July 2022**

**Richard Towell**  
**Chief Executive Officer**

**Cr Ross Pigdon**  
**Shire President**

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## **REGISTER OF DELEGATIONS**

The *Local Government Act 1995* (the Act) was introduced on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim was to enable local governments to provide good, open and accountable government to its people.

One of the changes was the degree of delegated authority available to be passed onto the Chief Executive Officer or a committee in order to manage the day-to-day operations of the Shire.

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by an absolute majority decision.

The following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government,
- Accepting a tender that exceeds an amount set by the local government,
- Appointing an auditor,
- Acquiring or disposing of property valued at an amount higher than that determined by the local government,
- Any of the local government's powers under section 5.98, 5.99 and 5.100 of the Act,
- Borrowing money on behalf of the local government,
- Hearing or determining an objection of a kind referred to in section 9.5,
- Any power or duty that requires the approval of the Minister or the Governor, or
- Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his/her powers to another employee – this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he/she desires.

A register of delegations (being this document) relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that he/she has been delegated, the Act requires him/her to keep necessary records of the exercise of the power or discharge of the duty. The written record is to contain:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and

- The person or classes of person, other than council or committee members or employees of the local government, directly affected by the exercise of the power or discharge of the duty.

The aim of this register of delegations is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus.

### **Transfer of Authority Due to Absence**

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.

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### 1. Appointment of Acting CEO

<b>Function to be performed</b>	The Chief Executive Officer to appoint an Acting Chief Executive Officer
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation</b>	That CEO appoint an Acting Chief Executive Officer
<b>Conditions</b>	Subject to: <ul style="list-style-type: none"> <li>• Appointments being no longer than 35 working days;</li> <li>• Council Members to be advised of acting Chief Executive Officer; and</li> <li>• The CEO must be satisfied that the person appointed as Acting CEO is suitably qualified for the position (refer to section 5.36(2)(a) of the <i>Local Government Act</i>).</li> </ul>
<b>Statutory reference</b>	<i>Local Government Act 1995</i> ; Section 5.36 and section 5.41(g)

### 2. Deleted 21/3/2017 (Acknowledge the receipt of Primary and Annual Returns)

### 3. Payments from the Municipal Fund and Trust Fund

<b>Function to be performed</b>	Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of Council.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to make payments from the municipal fund or the trust fund, pursuant to the <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 12(1).
<b>Conditions</b>	Subject to the requirements of the <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 13.
<b>Statutory reference</b>	<i>Local Government (Financial Management) Regulations 1996</i> , Regulation 12(1)(a).

#### 4. Appointment of Contractors & Consultants

<b>Function to be performed:</b>	The Chief Executive Officer to appoint consultants and Contractors to enable the proper administration of the Shire's business and operations.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to appoint consultants and contractors, including but not limited to architects, auctioneers, engineers, planners, quantity surveyors, solicitors, surveyors, valuers, selling and leasing agents, to enable the proper administration of the Shire's business and operations.
<b>Conditions:</b>	Subject to: <ul style="list-style-type: none"> <li>• funding being available in the Budget;</li> <li>• The value of the contract shall not exceed \$250,000.</li> <li>• Quotations to be obtained, in accordance with Council Purchasing Policy.</li> </ul>
<b>Statutory reference:</b>	<i>Local Government Act 1995, Sections 3.1, 3.18, 5.41(d) and 6.8.</i>

#### 5. Obtaining Legal Advice

<b>Function to be performed:</b>	A local government may at times require legal advice or assistance.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to obtain legal advice and assistance to enable the proper administration of the Shire's business and operations and to provide advice to the Council, as required.
<b>Conditions:</b>	Subject to Council Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 5.41(a), (b) and (d).</i>

## 6. Preparation of the Annual Report

<b>Function to be performed:</b>	A local government is to prepare an Annual Report for each financial year.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to prepare an annual report for each financial year.
<b>Conditions:</b>	The Annual Report is to be submitted to the Council for adoption.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 5.53.</i>

## 7. Making Payments to Employees in Addition to Contract or Award

<b>Function to be performed:</b>	A local government can approve of payments to employees in addition to their contract or Award.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to approve of making payment to employees in addition to their contract or Award.
<b>Conditions:</b>	Subject to: <ul style="list-style-type: none"> <li>1. Council Policy.</li> <li>2. Budget allocation.</li> </ul>
<b>Statutory reference:</b>	<i>Local Government Act 1995, Sections 5.42 and 5.50.</i>

## 8. Write Off of Monies Owing

<b>Function to be performed:</b>	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to waive, grant concessions or write off any amount of money owed to the Shire, pursuant to the <i>Local Government Act 1995</i> , Section 6.12(1).
<b>Conditions:</b>	Subject to: Rates assessment small balances not exceeding \$20; The debt not exceeding \$1000 (Not rates or service charges); The Chief Executive Officer to be a joint signatory with the Finance Officer to approve any monies to be written off or waived. The full details of the waiver, concession or write off to be recorded on the appropriate financial record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.12(1).

## 9. Amending the Rate Record

<b>Function to be performed:</b>	A local government is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Finance Officer
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to determine whether to amend the rate record for the preceding five years, pursuant to the <i>Local Government Act 1995</i> , Section 6.39.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.39(2).

## 10. Agreement as to Payment of Rates and Service Charges

<b>Function to be performed:</b>	A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, pursuant to the <i>Local Government Act 1995</i> , Section 6.49.
<b>Conditions:</b>	Subject to: <ul style="list-style-type: none"> <li>the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30 June next following.</li> <li>Council Policy.</li> <li>The full details of the determination to be recorded in the appropriate rate record.</li> </ul>
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.49.

## 11. Rates or Service Charges Recoverable in Court

<b>Function to be performed:</b>	If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to determine that court action will be taken, pursuant to the <i>Local Government Act 1995</i> , Section 6.56(1).
<b>Conditions:</b>	Council Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.56(1).

## 12. Require Lessee to Pay Rent in Satisfaction of Rates or Service Charge

<b>Function to be performed:</b>	If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to determine that notice be given to the lessee requiring payment of the rates or service charges, pursuant to the <i>Local Government Act 1995</i> , Sections 6.60(2) and (3).
<b>Conditions:</b>	Council Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.60(2).

## 13. Recover Amount of Rates or Service Charge from Lessee as Debt

<b>Function to be performed:</b>	A local government may recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to recover the amount of rate or service charge as a debt from the lessee if rent is not paid, pursuant to the <i>Local Government Act 1995</i> , Section 6.60(4).
<b>Conditions:</b>	Council Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.60(4).

#### 14. Recovery of Debts (other than Rates or Service Charges)

<b>Function to be performed:</b>	If a debt (other than a rate or service charge) remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to take action to recover any outstanding debts pursuant to the <i>Local Government Act 1995</i> , Section 6.10.
<b>Conditions:</b>	Council Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.10; and <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 5.

#### 15. Signing of Requisitions and Purchase Orders

<b>Function to be performed:</b>	A Local Government can sign Requisitions and Purchase Orders.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Various staff members as recorded in the Sub-Delegations Register
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to sign Requisitions and Purchase Orders.
<b>Conditions:</b>	Limit as per Signing Authority determined by the CEO. In accordance with Council " <i>Purchasing</i> " Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.1; and <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 5.

## 16. Issue of Petty Cash Advances

<b>Function to be performed:</b>	A local government can issue Petty Cash Advances.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the authority to issue Petty Cash Advances.
<b>Conditions:</b>	The acquittal of petty cash advances expended is to be supported by sufficient receipts/ information/documentation to prove the expenditure.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.1; and Local Government (Financial Management) Regulations 1996, Regulations 5 and 11.</i>

## 17. Submission of Grants and Subsidy Applications

<b>Function to be performed:</b>	A local government can submit grant and subsidy applications.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Council's Grant Officer – at the request of the CEO Council's Engineers – at the request of the CEO Council's Accountants – at the request of the CEO Staff as directed by the CEO
<b>Delegation:</b>	The Chief Executive Officer is delegated the authority to submit grant and subsidy applications.
<b>Conditions:</b>	That sufficient financial resources have been budgeted when the grant requires a co-contribution or there is provision in a reserve account.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.1; and Local Government (Financial Management) Regulations 1996, Regulation 5.</i>



## 18. Negotiating Terms and Conditions for Leases and Properties

<b>Function to be performed:</b>	A local government can negotiate Terms and Conditions for Leases and Properties.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the authority to negotiate Terms, Conditions and Assignment of Rent for Leases and Properties.
<b>Conditions:</b>	Finalised Terms and Conditions to be Approved by the Council as soon as practicable.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.1.</i>

## 19. Representing Local Government in Court

<b>Function to be performed:</b>	A local government shall, in writing, appoint persons to represent the local government in court.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to appoint a person to represent the local government in court proceedings either generally or in a particular case.
<b>Conditions:</b>	The authorisation is to be recorded on the person's personnel file.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 9.29 (2).</i>

**20. Deleted 21/3/2017 (Certifying Documents)****21. Dog Act 1976**

<b>Function to be performed</b>	A Local Government may delegate to its Chief Executive Officer any power or duty of the Local Government under another provision of the <i>Dog Act 1976</i>
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	That the Chief Executive Officer be delegated any power or duty under the <i>Dog Act 1976</i>
<b>Conditions:</b>	<p>1. The authority to appoint a person under Section 29(1), shall only be approved by the Chief Executive Officer.</p> <p>2. The authority to declare a dog to be dangerous, pursuant to <i>Dog Act 1976</i> Section 33E, shall only be approved by the Chief Executive Officer.</p> <p>3. The authority to sign any Warrant to seize, detain and deal with any dog pursuant to <i>Dog Act 1976</i> Section 29 (5a), in accordance with Sections 33G or 39, shall only be approved by the Chief Executive Officer.</p> <p>4. Withdrawal of an infringement can only be approved by the Chief Executive Officer.</p>
<b>Statutory reference:</b>	<i>Dog Act 1976</i> , Section 10AA

## 22. Liquor Control Act 1988 – Issue of Certificates Under Section 39

<b>Function to be performed:</b>	An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the Local Government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the Shire of Cue, pursuant to the <i>Liquor Control Act 1988</i> , Section 39.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Liquor Control Act 1988</i> , Section 39.

## 23. Liquor Control Act 1988 – Issue of Certificates Under Section 40

<b>Function to be performed:</b>	An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the Shire, pursuant to the <i>Liquor Control Act 1988</i> , Section 40.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Liquor Control Act 1988</i> , Section 40.

## 24. Bush Fires Act 1954 – Powers and Duties

<b>Function to be performed:</b>	A local government is empowered with all powers, duties and functions under the <i>Bush Fires Act 1954</i> .
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to perform all powers, duties and functions of the <i>Bush Fires Act 1954</i> .
<b>Conditions:</b>	Excludes powers and duties that are prescribed in the Act with the requirement for a resolution by the local government.
<b>Statutory reference:</b>	<i>Bush Fires Act 1954</i> , Section 48.

## 25. Bush Fires Act 1954 – Firebreaks Around Properties

<b>Function to be performed:</b>	A local government can take measures for preventing a bush fire, including requesting firebreaks around properties.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Ranger
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to take measures for preventing a bush fire, including requesting firebreaks around properties.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Bush Fires Act 1954</i> , Section 33.

## 26. Bushfires Act 1954 – Prohibited Burning Times

<b>Function to be performed:</b>	A local government can determine to vary Prohibited Burning Times, in accordance with the <i>Bush Fires Act 1954</i> , Sections 17(7) and (8), regarding: <ul style="list-style-type: none"> <li>• shortening, extending, suspending or reimposing a period of prohibited burning times; or</li> <li>• imposing a further period of prohibited burning times.</li> </ul>
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> <li>• shorten, extend, suspend or reimpose a period of prohibited burning times; or</li> <li>• impose a further period of prohibited burning times.</li> </ul>
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Bush Fires Act 1954</i> , Section 17(10).

## 27. Bush Fires Act 1954 – Prosecutions and Infringement Notices

<b>Function to be performed:</b>	A local government can consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to institute and carry out legal proceedings for alleged offences against the <i>Bush Fires Act 1954</i> , including the power to issue an Infringement Notice.
<b>Conditions:</b>	Chief Executive Officer to sign any Prosecution Notices. <i>Note: s59A(3) and Bush Fires (Infringements) Regulations 1958, Reg.4(a) provide that only the Shire President or the Chief Executive Officer may withdraw an infringement notice.</i>
<b>Statutory reference:</b>	<i>Bush Fires Act 1954</i> , Section 59(3) Prosecution of Offences and Section 59A(2) Alternative Procedure – Infringement Notices.

## 28. Food Act 2008 – Appointment of Authorised Persons

<b>Function to be performed:</b>	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of the <i>Food Act 2008</i> .
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 9.10(1). <i>Food Act 2008</i> , Section 122, s.126 (2).

### 29. Food Act 2008 – Appointment of Persons to Withdraw Infringement Notices

<b>Function to be performed:</b>	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the authority to withdraw an Infringement or grant an extension of time for payment pursuant to section 126 (6), (7) & (13) of the Act.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 9.10(1). Food Act 2008, S.126 (6), (7) &amp; (13).</i>

### 30. Food Act 2008 – Registration of Food Businesses

<b>Function to be performed:</b>	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Environmental Health Officer
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to sign and issue any registration approvals to operate a Food Business under the <i>Food Act 2008, s.110.</i>
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 9.10(1).</i>

### 31. Health Act 1911 – Appointment of Deputy, Discharge of Powers and Duties

<b>Function to be performed:</b>	A local government may appoint and authorise any person to be its deputy under the <i>Health Act 1911</i> to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Environmental Health Officer
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to be its <i>Health Act 1911</i> deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
<b>Conditions:</b>	The Chief Executive Officer, shall: (i) approve of all legal action and sign Prosecution Notices; and (ii) sign all Notices.
<b>Statutory reference:</b>	<i>Health Act 1911</i> , Section 26.

### 32. Approval of Building Permits

<b>Function to be performed:</b>	Approve Building Permits
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Contract Building Surveyor
<b>Delegation:</b>	The CEO is delegated the authority to grant or refuse the issue of a building Permits in the prescribed form pursuant to <i>Building Act 2011</i> , Section 20, 22 & 127.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Building Act 2011</i> , Sections 20, 22 and 127. Division 2 of Part 2. Divisions 1, 2 and 4 of Part 4.



### 33. Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate.

<b>Function to be performed:</b>	Authority to issue occupancy permits, certificates of construction appliance, grant permits, issue building orders and notices and perform associated functions of a permit authority pursuant to the <i>Building Act 2011</i> .
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Contract Building Surveyor
<b>Delegation:</b>	The officers are delegated the power to issue Certificates of Occupancy, Building Approval certificates and extensions of period of duration of Occupancy Permit or Building Approval Certificate in the prescribed form upon completion of buildings, pursuant to the <i>Building Act 2011</i> , Sections 58, 59, 62, 65 and 127.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Building Act 2011</i> , Sections 58, 59, 62, 65 and 127.

### 34. Approve a Demolition Permit Other Than for Buildings Classified by the National Trust and Council's Heritage Register

<b>Function to be performed:</b>	To grant or refuse to approve applications for a Demolition Permit.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Contract Building Surveyor
<b>Delegation:</b>	The CEO is delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the <i>Building Act 2011</i> , Sections 21, 22 & 127.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Building Act 2011</i> , Sections 21, 22 and 127.

### 35. Issue Building Orders

<b>Function to be performed:</b>	A Permit Authority may make an Order (a Building Order) in respect of one or more of the following - (a) particular building work; (b) particular demolition work; (c) a particular building or incidental structure, whether completed before or after commencement day.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to issue Building Orders for works in contravention of the Act, pursuant to the <i>Building Act 2011</i> , Sections 110, 111 and 112.
<b>Conditions:</b>	1. Chief Executive Officer to sign the Building Order. 2. Subject to Sub-Section 112(2)(b) being conditional as follows; <i>“The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified”</i> .
<b>Statutory reference:</b>	<i>Building Act 2011</i> , Sections 110, 111 and 112.

### 35a. Revoke Building Orders

<b>Function to be performed:</b>	A Permit Authority may, by notice in writing, revoke a Building Order at any time and must serve each person to whom to order is directed with a copy of the notice.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to revoke Building Orders for works in contravention of the Act, pursuant to the <i>Building Act 2011</i> , Section 117.
<b>Conditions:</b>	Chief Executive Officer to sign the notice to revoke a Building Order.
<b>Statutory reference:</b>	<i>Building Act 2011</i> , Section 117.

### 36. Issue Licence to Deposit Material on Street

<b>Function to be performed:</b>	No person shall deposit stones, bricks, lime, rubbish, timber, iron, or other materials on a street, way, or other public place, nor make an excavation on land abutting or adjoining a street, way, or other public place, unless authorised to do so by an Act or unless he has first obtained from the local government in whose district the street, way, public place, or land is situated a licence in writing for that purpose, nor unless, in the case of an excavation he has securely fenced off the place where it is to be made from the street, way, or other public place, nor unless he complies with the conditions, if any, of the licence.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Environmental Health Officer Contract Building Surveyor
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to issue licenses for the deposit of materials on a street, way or other public place and to make an excavation on land abutting or adjoining a street, way, or other public place, pursuant to the <i>Local Government (Miscellaneous Provisions) Act 1960</i> , Section 377.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Building Regulations 2012</i> , Regulation 64.

### 37. Appoint Authorised Persons (Swimming Pool Inspectors)

<b>Function to be performed:</b>	A local government may appoint an Authorised Person to carry out inspections of pools. An “ <b>authorised person</b> ” means a person with appropriate experience or qualifications authorised by the local government for the purposes of this section.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to appoint authorised persons for the purpose of inspecting private swimming pools and enforcing the provisions of the Act, pursuant to the <i>Building Regulations 2012</i> , Regulation 53(1).
<b>Conditions:</b>	The authorisations to be in writing and recorded on the appropriate file and the person’s personal file.
<b>Statutory reference:</b>	<i>Building Regulations 2012</i> , Regulation 53(1).

### 38. Disturbing Local Government Land or Anything On It

<b>Function to be performed:</b>	A person who, without lawful authority interferes with the soil of, or anything on, land that is local government property; or takes anything from land that is local government property, commits an offence.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager Works and Services
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to interfere with soil or take anything from local government land, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 5(1) and Schedule 3.1, Division 2, Item 2 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 5(1).

### 39. Obstructing A Public Thoroughfare

<b>Function to be performed:</b>	A person who, without lawful authority, places on a public thoroughfare anything that obstructs it commits an offence if the person fails to remove the obstruction when requested by the local government to do so, or if anything falls from land, or from anything on land, onto a public thoroughfare and obstructs it, a person who is the owner or occupier of the land commits an offence if the person fails to remove the obstruction when requested by the local government to do so.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Works and Services Supervisor
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to obstruct a public thoroughfare, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 6 (1) and Schedule 3.1, Division 2, Item 2 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 6(1).

### 40. Encroaching A Public Thoroughfare

<b>Function to be performed:</b>	A person who is the owner or occupier of land and, without lawful authority erects on the land a structure that encroaches upon a public thoroughfare; or permits a tree or other plant growing on the land to encroach upon a public thoroughfare, commits an offence if the person fails to remove the structure or plant, to the extent that it is encroaching, when requested by the local government to do so.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Works and Services Supervisor
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to erect a structure or permit a tree that encroaches a public thoroughfare, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 7(1) and Schedule 3.1, Division 2, Item 2 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 7(1).

## 41. Offences Relating to the Repair of Gates and Fences

<b>Function to be performed:</b>	A person who is the owner or occupier of land commits an offence if any fence or gate that separates the land from a public thoroughfare is not kept in good repair. A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to provide a gate or other device across a public thoroughfare or serve a Notice to request the owner or occupier to repair a gate or fence, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 8(1) and Schedule 3.1, Division 2, Item 2 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 8(1).

## 42. Dangerous Excavation in or Near Public Thoroughfare

<b>Function to be performed:</b>	If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to deem an excavation to be dangerous and to fill in or fence the excavation or serve a Notice to request the owner or occupier to fill or securely fence the excavation, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 11(1) and Schedule 3.1, Division 2, Item 2 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 11(1).

### 43. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare Without Approval

<b>Function to be performed:</b>	Upon application the local government may approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 12(1).
<b>Conditions:</b>	Approvals are subject to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 14(2).
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 12(1).

### 44. Requirement to Construct and Repair a Crossover

<b>Function to be performed:</b>	A local government may give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare. If the person fails to comply with the notice, the local government may construct or repair the crossing and recover 50% of the cost.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing if the person does not comply, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulations 13(1) and (2).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 13(1) and (2).

#### 45. Private Works On, Over Or Under Public Places

<b>Function to be performed:</b>	A local government may grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 17 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Approvals are subject to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 14(2).
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 17(2).



#### 46. Offences Relating to Watercourses, Drains, Tunnels and Bridges

<b>Function to be performed:</b>	A local government may grant permission to a person to, alter, obstruct, or interfere with, any watercourse, drain, tunnel, or bridge that is local government property.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to grant permission to a person to alter, obstruct, or interfere with, any watercourse, drain, tunnel, or bridge that is local government property, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 18 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Approvals are subject to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 14(2).
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 18(1).

#### 47. Offences Relating to the Protection of Thoroughfares from Water Damage

<b>Function to be performed:</b>	A local government may grant permission to a person to alter, obstruct, or interfere with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is local government property.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to grant permission to a person to alter, obstruct, or interfere with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is local government property, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 19 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Approvals are subject to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 14(2).
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 19(1).

#### 48. Actions Against Persons in Relation to Wind Erosion and Sand Drifts

<b>Function to be performed:</b>	A local government may give a notice under this regulation to a person who is the owner or occupier of land, if the local government considers that clearing the land of vegetation may cause the land having a common boundary with land that comprises local government property to be adversely affected by wind erosion or sand drift.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to serve a Notice on a person to prevent wind erosion or sand from escaping a property onto other private land or land that is local government property, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 21 and <i>Local Government Act 1995</i> , Section 3.25(1)(b).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , Regulation 21(1).

#### 49. Unauthorised Works in a Street – Serving of Notices

<b>Function to be performed:</b>	A local government may serve notices on persons/ proprietors of premises who have conducted works in a street without Council's permission.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Works and Services Supervisor
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to serve notices on persons/ proprietors of premises who have conducted works in a street without Council's permission.
<b>Conditions:</b>	Chief Executive Officer to sign any Notices.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.1.

## 50. Works in the Street

<b>Function to be performed:</b>	A local government may grant approval and impose conditions for works to be undertaken in the street by other authorities, private organisations or individuals, including the approval of applications to protect verges.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to grant approval and impose conditions for works to be undertaken in the street by other authorities, private organisations or individuals, including the approval of applications to protect verges.
<b>Conditions:</b>	<ul style="list-style-type: none"> <li>(i) That the proposed works are legal and do not adversely affect the safety, functionality and aesthetics of the street or adjoining properties to an unacceptable degree.</li> <li>(ii) The owners and occupiers of adjoining properties should be consulted as appropriate prior to approval being determined.</li> <li>(iii) If there are objections to the proposal, it be referred to the Council for determination.</li> </ul>
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.1.</i>

## 51. Reinstatements of Roads and Footpaths

<b>Function to be performed:</b>	A local government may grant and impose conditions for persons or agencies undertaking works in the street and to apportion responsibility for the cost of road and footpath reinstatements resulting from works undertaken by other persons' or agencies' undertakings.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to grant and impose conditions for persons or agencies undertaking works in the street and to apportion responsibility for the cost of road and footpath reinstatements resulting from works undertaken by other persons' or agencies' undertakings.
<b>Conditions:</b>	Subject to the lodgement of a bond for work performance and the payment of the cost of any re-instatement works.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.1.</i>

## 52. Approval of Works Orders to Public Utility Service Authorities

<b>Function to be performed:</b>	A local government may approve the issuing of works orders to public utility service authorities for service modifications or upgrading associated with approved projects.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to approve the issuing of works orders to public utility service authorities for service modifications or upgrading associated with approved projects.
<b>Conditions:</b>	That the works are associated with projects that have obtained the approval of the Council as necessary and are within the approved budget allocation.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.1.</i>

### 53. Approval of Design Projects

<b>Function to be performed:</b>	A local government may approve detailed design plans for projects or components of projects that have been approved by the Council to concept plan level.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Contract Building Surveyor Environmental Health Officer
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to approve detailed design plans for projects or components of projects that have been approved by the Council to concept plan level.
<b>Conditions:</b>	That the detailed designs are consistent with the concept plans approved by the Council.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.1.</i>

## 54. Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land

<b>Function to be performed:</b>	A local government may give a person a notice in writing relating to the land requiring the person to do anything specified in Schedule 3.1, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	<p>The Chief Executive Officer is delegated the power to issue a notice in writing relating to the land requiring the person to do anything specified in Schedule 3.1, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2 including the following:</p> <ol style="list-style-type: none"> <li>1. prevent water from dripping or running from a building;</li> <li>2. placing a number on a property to indicate an address;</li> <li>3. repair a public thoroughfare;</li> <li>4. ensure that land that adjoins a public thoroughfare is suitably enclosed;</li> <li>5. ensure unsightly land is enclosed;</li> <li>5a. ensure overgrown vegetation, rubbish or disused material is removed from land;</li> <li>5b. ensure that graffiti is obliterated;</li> <li>6. take measures to prevent movement of sand, rocks etc;</li> <li>7. ensure that land adjoining a public thoroughfare is not overgrown;</li> <li>8. removing a tree or part that is obstructing a thoroughfare;</li> <li>9. ensuring that a tree that endangers any person is made safe (dangerous tree);</li> <li>10. taking specified measures to prevent damage to the public or property from cyclonic activity;</li> <li>11. remove bees that are a danger or nuisance;</li> <li>12. ensure that unsightly, dilapidated or dangerous fence is modified or repaired;</li> <li>13. take measures to prevent artificial light or other light being omitted or reflected to remove a nuisance;</li> <li>14. make safe anything that is obstructing a private thoroughfare.</li> </ol>
<b>Conditions:</b>	The Chief Executive Officer may form an opinion that the things to be performed is necessary to protect and/or enhance the health, safety or amenity of the persons in the district or to remove a nuisance.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.25.

### 55. Additional Powers When Giving a Notice Under S.3.25 of the Act

<b>Function to be performed:</b>	If a person who is given a notice under Section 3.25 of the Act fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to do anything that they consider necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.
<b>Conditions:</b>	The Chief Executive Officer may form an opinion that the things to be performed is necessary to protect and/or enhance the health, safety or amenity of the persons in the district or to remove a nuisance.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.26.</i>

## 56. Performing Particular Things on Land which is not Local Government Property

<b>Function to be performed:</b>	A local government may perform its general functions of the things prescribed in Schedule 3.2 of the Act on land, even though the land is not local government property and the local government does not have consent to do it.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Works and Services Supervisor
<b>Delegation:</b>	<p>The Chief Executive Officer is delegated the power to carry out things prescribed in Schedule 3.2 even though the land is not local government property and the local government does not have consent to do it, as follows:</p> <ol style="list-style-type: none"> <li>1. Carry out works for the drainage of land.</li> <li>2. Do earthworks or other works on land for preventing or reducing flooding.</li> <li>3. Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.</li> <li>4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engage in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.</li> <li>5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.</li> <li>6. Place on land signs to indicate the names of public thoroughfares.</li> <li>7. Make safe a tree that presents serious and immediate danger, without having to give the owner the notice otherwise required by regulations.</li> <li>8. Obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier.</li> </ol>
<b>Conditions:</b>	The Chief Executive Officer may form an opinion that the things to be performed is essential to protect and/or enhance the health, safety or amenity of the persons in the district or to remove a nuisance.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.27.</i>



## 57. Power of Entry

<b>Function to be performed:</b>	The power of entry is conferred on a local government which is performing any function under the <i>Local Government Act 1995</i> .
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated authority to authorise persons with the powers of entry, when performing any function of the local government.
<b>Conditions:</b>	Record in the appropriate file
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.28.

## 58. General Procedure for Entering Property

<b>Function to be performed:</b>	A person authorised by the local government may lawfully enter land or premises or thing without the consent of the owner or occupier, unless the owner or occupier objects to the entry.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated authority to authorise a local government person to lawfully enter land or premises or thing without the consent of the owner or occupier, unless the owner or occupier objects to the entry.
<b>Conditions:</b>	Record in the appropriate file
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.31(2).

## 59. Power to Remove and Impound Goods

<b>Function to be performed:</b>	An employee authorised by a local government may remove and impound any goods that are involved in a contravention that can lead to impounding and may use reasonable force to exercise the power.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated authority to authorise an employee of the local government to remove and impound any goods that are involved in a contravention that can lead to impounding and may use reasonable force to exercise the power.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.39.</i>

## 60. Impounded – Non-Perishable Goods

<b>Function to be performed:</b>	Where any non-perishable goods have been removed and impounded, the local government is required to either: (a) institute a prosecution against the alleged defender; or (b) give the alleged offender notice that the goods may be collected from, specifying such hours.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to: (a) institute a prosecution against the alleged offender; or (b) give the alleged offender notice that the goods may be collected from, specifying such hours.
<b>Conditions:</b>	The Chief Executive Officer shall approve of all prosecutions and sign all Prosecution Notices.
<b>Statutory reference:</b>	<i>Local Government Act 1995, Section 3.39.</i>

## 61. Declaring a Vehicle to be an Abandoned Vehicle Wreck

<b>Function to be performed:</b>	If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle the local government may declare that the vehicle is an abandoned vehicle wreck.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated authority to declare that a vehicle is an abandoned vehicle wreck under the <i>Local Government Act 1995</i> , Section 3.40A(4).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.40A(4).

## 62. Disposing of Confiscated Goods

<b>Function to be performed:</b>	A local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under <i>Local Government Act 1995</i> , Section 3.47(1).
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to sell or otherwise dispose of any goods that have been ordered to be confiscated subject to the <i>Local Government Act 1995</i> , Section 3.47(1).
<b>Conditions:</b>	The sale or disposal of goods or vehicles is to be recorded in appropriate record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.47(1).

### 63. Disposing of Uncollected Vehicles

<b>Function to be performed:</b>	A local government may sell or otherwise dispose of any vehicle that has not been collected within two months of a notice having been given under Section 3.40(3) or seven days of declaration being made that a vehicle is an abandoned vehicle wreck.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to sell or otherwise dispose of any vehicle not collected pursuant to the <i>Local Government Act 1995</i> , Section 3.47(2).
<b>Conditions:</b>	Details of the sale or disposal of uncollected vehicles is to be recorded in the appropriate record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.47(2).

### 64. Disposing of Uncollected Impounded Goods

<b>Function to be performed:</b>	A local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in Section 3.47(2b) of the date a notice is given under the <i>Local Government Act 1995</i> , Sections 3.42(1)(b) or 3.44.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to sell or otherwise dispose of any uncollected impounded goods pursuant to the <i>Local Government Act 1995</i> , Section 3.47(2a).
<b>Conditions:</b>	Details of the sale or disposal of uncollected impounded goods is to be recorded in the appropriate record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.47(2a).

## 65. Disposal of Sick or Injured Impounded Animals

<b>Function to be performed:</b>	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Works and Services Manager
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to determine that a sick or injured impounded animal be destroyed pursuant to the <i>Local Government Act 1995</i> , Section 3.47A(1).
<b>Conditions:</b>	The details of sick or injured animals disposed of are to be recorded in the appropriate record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.47(1).

## 66. Recovery of Impounding Expenses

<b>Function to be performed:</b>	If goods are removed and impounded under Section 3.39 and the offender is convicted, the local government may, if the goods are not sold, recover any expenses incurred in removing and impounded the goods and disposing of them.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to determine that court action be taken to recover impounding expenses pursuant to the <i>Local Government Act 1995</i> , Section 3.48.
<b>Conditions:</b>	The Chief Executive Officer shall approve of all legal action and sign all legal documents.  The actions taken to recover impounding expenses are to be recorded in the appropriate record to meet legislative requirements.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.48.

### 67. Closing Certain Thoroughfares to Vehicles (Not Exceeding 4 Weeks)

<b>Function to be performed:</b>	A local government may close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager of Works and Services
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the <i>Local Government Act 1995</i> , Section 3.50(1).
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.50(1).

### 68. Closing Certain Thoroughfares to Vehicles (Exceeding 4 Weeks)

<b>Function to be performed:</b>	A local government may, after providing public notice of its intentions and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding four weeks.
<b>Delegated by:</b>	Nil
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager of Works and Services
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the <i>Local Government Act 1995</i> , Sections 3.50.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Sections 3.50(1a) and 3.50(4).

## 69. Closing Certain Thoroughfares to Vehicles (Revocation)

<b>Function to be performed:</b>	An order to close a thoroughfare may be revoked by the local government.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to revoke an order to close a thoroughfare, pursuant to the <i>Local Government Act 1995</i> , Section 3.50(6).
<b>Conditions:</b>	Details of the revocation of an order to close thoroughfares must be recorded in the appropriate register
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.50(6).

## 70. Partial Closure of Thoroughfare for Repairs and Maintenance

<b>Function to be performed:</b>	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager of Works and Services
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to partially and temporarily close a thoroughfare, pursuant to the <i>Local Government Act 1995</i> , Section 3.50A.
<b>Conditions:</b>	<ul style="list-style-type: none"> <li>• The road closure being limited to a minimum period as is practicable.</li> <li>• Access being maintained to properties.</li> <li>• Compliance with the <i>Local Government Act 1995</i>.</li> </ul> <p>Details of the closure to be recorded on the appropriate record.</p>
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.50A.

## 71. Power to Invest

<b>Function to be performed:</b>	Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with the <i>Trustees Act 1962</i> , Part III.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to invest money and establish investment internal control procedures, pursuant to the <i>Local Government Act 1995</i> , Section 6.14 and <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 19.
<b>Conditions:</b>	Subject to Council Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.14(1); and <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 19.

## 72. Extension of Time for Objection to the Rate Record

<b>Function to be performed:</b>	A local government may, on application by a person proposed to make an objection to the rate record, extend the time for making the objection for such period as it thinks fit.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to grant an extension to the time to make an objection, pursuant to the <i>Local Government Act 1995</i> , Section 6.76(4).
<b>Conditions:</b>	An extension will only be granted for a maximum period of 30 days.  The full details of the determination to be recorded in the appropriate rate record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.76(4).



### 73. Consider Objection to the Rate Record

<b>Function to be performed:</b>	A local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to consider any objection to the rate record and may either disallow it or allow it, wholly or in part, pursuant to the <i>Local Government Act 1995</i> , Section 6.76(5).
<b>Conditions:</b>	The full details of the determination to be recorded in the appropriate rate record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 6.76(5).

### 74. Disposal of Surplus Plant, Equipment or Material

<b>Function to be performed:</b>	A local government can dispose of surplus plant, equipment or material
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to dispose of plant, equipment or material.
<b>Conditions:</b>	Refer to Council Policy
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.1.

## 75. Determining That Tenders Do Not Have to be Invited for the Supply of Goods and Services Function

<b>Function to be performed:</b>	A local government does not have to publicly invite tenders before it enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$250,000 if it has good reason to believe that, because of the unique nature of the goods or services required or for any other reasons, it is unlikely that there is more than one potential supplier.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to determine that the Shire has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier and not publicly invite tenders before the Shire enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$250,000.
<b>Conditions:</b>	The determination is to be supported by a detailed report. The determination is to be recorded in the appropriate record.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.57(1); and <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 11(2)(f).

## 76. Tenders to be Invited for Certain Contracts

<b>Function to be performed:</b>	A local government is to publicly invite tenders before it enters into a contract for the supply of goods or services if the consideration under the contract is, or is expected to be, worth more than \$250,000.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to publicly invite tenders before the Shire enters into a contract for the supply of goods or services if the consideration under the contract is, or is expected to be, worth more than \$250,000, pursuant to the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 11(1) and <i>Local Government Act 1995</i> , Section 3.57(1).
<b>Conditions:</b>	Tenders can only be invited for those goods and services identified in the Annual Budget, Plan for the Future or separately approved by the Council. <i>Acceptance of the most advantageous tender is subject to the Regulations.</i> The invitation to tender is to be entered into the Tender Register in the prescribed manner.
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> , Section 3.57(1); and <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 11(1).

## 77. Determining the Criteria for Accepting Tenders

<b>Function to be performed:</b>	Where a local government is inviting tenders, the local government must determine in writing the criteria for deciding which tender should be accepted.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to determine in writing the criteria for deciding which tender should be accepted, pursuant to the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 14(2a).
<b>Conditions:</b>	Criteria must be recorded in the appropriate record and comply with the requirements of the Regulations.
<b>Statutory reference:</b>	<i>Local Government (Functions and General) Regulations 1996</i> , Regulation 14(2a).

## 78. Minor Variation in Goods or Services

<b>Function to be performed:</b>	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power, with the approval of the tenderer, to make a minor variation in the contract for goods or services before the Shire enters the contract with the successful tenderer, pursuant to the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 20(1).
<b>Conditions:</b>	That the variation is minor having regard to the total goods or services that tenderers were invited to supply.
<b>Statutory reference:</b>	<i>Local Government (Functions and General) Regulations 1996</i> , Regulation 20(1).

## 79. Seeking Expressions of Interest

<b>Function to be performed:</b>	If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services before entering the tender process.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated the power to seek expressions of interest with respect to the supply of the goods or services before entering the tender process, pursuant to the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 21(1).
<b>Conditions:</b>	Details of the express of interest sought must be recorded in the appropriate record and in the Tender Register as required by the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 17.
<b>Statutory reference:</b>	<i>Local Government (Functions and General) Regulations 1996</i> , Regulation 21(1).

## 80. Minor Amendments to Policies and Delegations

<b>Function to be performed:</b>	Minor amendments to existing policies and delegations
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	That the Chief Executive Officer be delegated authority to make administrative amendments to Delegations and Policies, due to any changes in name or title of an officer or committee, re-numbering, reformatting or similar administrative requirement.
<b>Conditions:</b>	Providing any such amendment does not constitute a major change of duties or responsibilities of an officer or committee affected.
<b>Statutory reference:</b>	Local Government act 1995 - 5.42

## 81. Complaints Officer

<b>Function to be performed:</b>	To investigate complaints against the Council.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	Appoints the CEO as the complaints officer for the Shire of Cue for the purposes of compliance with the <i>Local Government Act 1995 s. 5.120</i>
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995 s. 5.120</i>

## 82. Appointment of Authorised Officers

<b>Function to be performed:</b>	To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions of the <i>Local Government Act 1995</i> .
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	That the CEO be delegated the authority to appoint persons as authorised officers.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> s3.24 Authorising persons under this subdivision ( <i>Subdivision 2 – Certain provisions about land</i> )s9.10 Appointment of authorised persons

## 83. Cat Act 2011 – Appointment of Authorised Officers

<b>Function to be performed:</b>	To appoint officer(s) to administer the <i>Cat Act 2011</i> .
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated authority to appoint Authorised Persons as required for the purposes of administering the requirements of the <i>Cat Act 2011</i> .
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	<i>Cat Act 2011</i> (s44 and s48)

## 84. Road Traffic (Events on Roads) Regulations

<b>Function to be performed:</b>	Temporarily close roads in order to hold events.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the <i>Road Traffic (Events on Roads) Regulations 1991</i> .
<b>Conditions:</b>	The Chief Executive Officer shall have regard to Section 3.50 of the <i>Local Government Act 1995</i> .
<b>Statutory reference:</b>	<i>Road Traffic (Events on Roads) Regulations 1991</i>

## 85. Local Government Elections & Other Polls

<b>Function to be performed:</b>	Fix a date for an extra – ordinary election
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	Council delegates its power to the Chief Executive Officer under Section 4.9(1)(b) of the Local Government Act to fix the day on which a poll is held for an extraordinary election if the Shire President has not already done so.
<b>Conditions:</b>	Compliance with the <i>Local Government (Elections) Regulations 1997</i> .
<b>Statutory reference:</b>	<i>Local Government Act 1995</i> Part 4.9



**86. Insurance**

<b>Function to be performed:</b>	Ensure that the Shire is adequately covered by insurance
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation:</b>	The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance on behalf of the Shire.
<b>Conditions:</b>	Nil
<b>Statutory reference:</b>	Local Government Act 1995 – S6.7(2)

**87. Authority to instigate legal proceedings**

<b>Function to be performed</b>	The Chief Executive Officer to instigate legal proceedings
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Nil
<b>Delegation</b>	That CEO instigate legal proceedings under the following acts including the Acts Subsidiary Legislation: <ul style="list-style-type: none"> <li>• <i>Local Government 1995</i></li> <li>• <i>Building Act 2011</i></li> <li>• <i>Planning &amp; Development Act 2005</i></li> <li>• <i>Cat Act 2011</i></li> <li>• <i>Dog Act 1976</i></li> <li>• <i>Health Act 1911</i></li> <li>• <i>Bush Fires Act 1954</i></li> <li>• <i>Food Act – 2008</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> </ul>
<b>Conditions</b>	Subject to: <ul style="list-style-type: none"> <li>• Prior report to council via electronic means.</li> </ul>
<b>Statutory reference</b>	<i>Local Government Act 1995</i> ; section 5.42

## 88. Town Planning Schemes 1 & 2 Planning Determinations

<b>Function to be performed</b>	The Chief Executive Officer to determine matters pertaining to planning where they conform to Council Policy, the Town Planning Scheme and or Planning Codes.
<b>Delegated by:</b>	The Shire of Cue Council
<b>Delegated to:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Environmental Health / Building Officer
<b>Delegation</b>	<ol style="list-style-type: none"> <li>1) Determination of development and subdivision applications and the issue of formal Council notices in accordance with the Town Planning Scheme and Council Policies, as outlined below;</li> <li>2) Determination of planning applications for uses listed as 'P' within the Town Planning Scheme provided the application conforms with all Scheme requirements and standards and any adopted policy of Council;</li> <li>3) Determination of planning applications involving the discretionary powers of the Residential Design Codes providing the consultation process outlined within the Codes is adhered to and no objections were received from surrounding landowners;</li> <li>4) Refusal of planning applications where the proposed use is not permitted by the Town Planning Scheme or does not comply with the non-discretionary powers of the Residential Design Codes or a mandatory statutory requirement of the Schemes or adopted Council Policy;</li> <li>5) Providing responses to subdivision applications referred from the WAPC where the application generally complies with the provisions of the relevant Town Planning Scheme and adopted Council Policy or an endorsed Subdivision Guide Plan;</li> <li>6) Providing responses to subdivision applications referred from the WAPC where the application requires Council to apply discretion under the Town Planning Scheme provided no objections were received during the advertising period and compliance with the objectives stated within the Town Planning Scheme;</li> <li>7) Determination of applications for home occupations,</li> </ol>

	<p>home businesses and home offices subject to compliance with Council's adopted policy with respect to such applications. Any proposed home occupation, which received objections during the public consultation, will be referred to Council for determination;</p> <p>8) Endorse submitted Deposited Plans for final clearance of subdivisions provided all conditions any adopted policy of Council have been satisfactorily complied with;</p> <p>9) Issuing of planning consents and vary setbacks where minor adjustments to building setbacks are in accordance with Council Policy, Town Planning Schemes and Residential Design Codes;</p> <p>10) Applications for planning consent for extensions/alterations to nonconforming uses in accordance with Town Planning Scheme;</p> <p>11) Granting of planning approval with or without conditions under TPS 1 and 2 to development on a local reserve under the Scheme for the purpose for which it is reserved;</p> <p>12) Granting of planning approval with or without conditions under TPS 1 and 2 for land zoned Restricted, Additional or Special Use for the purpose specified;</p> <p>13) Determination of clearance of planning conditions imposed by planning approvals.</p>
<b>Conditions</b>	Nil
<b>Statutory reference</b>	<i>Local Government Act 1995; section 5.42</i>

## 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 14<sup>th</sup> 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:**

**1.1.1 Local Government Act 1995,**

**1.1.2 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 dash;
  - (a) on the date set out in the notice; and
  - (b) under the name set out in the notice.
- (3) A regional subsidiary dash;
  - (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.

**1.1.3 3.70. Regional subsidiaries to have charter**

- (1) Local governments proposing to form a regional subsidiary must prepare a charter addressing the following matters dash;
    - (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;
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- (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.

**1.1.4 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.

**1.1.5 3.71. Regulations about regional subsidiaries**

Regulations may dash;

- (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.

**1.1.6 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 dash;
- (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**

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**1.1.7 4. Community consultation about formation of regional subsidiary**

- (1) *In this regulation dash;*  
**significant change**, in relation to the proposal to form a regional subsidiary, means dash;
    - (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 dash;*
    - (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 dash;*
    - (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.

<b>Council Decision:</b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	





# REGIONAL SUBSIDIRY BUSINESS PLAN





## CHAIRMAN'S INTRODUCTION

The Murchison Regional Vermin Council since its inception in 1963 has operated as a local government authority working under the provisions of the Local Government Act. Compliance and procedural requirements as set out in the Act apply to the MRVC in the same way they apply to much larger and more complex Shires and City Councils.

For the last eighteen months MRVC Councillors have been exploring options to reduce the compliance and administrative burden imposed on the MRVC by the Act and develop a structure that better aligns with the organisation's single purpose of management and maintenance of the No 1 and No2 Vermin Fences.

An option to reduce the compliance and administrative burden is for the MRVC to become a Regional Subsidiary set up as provided for in the Local Government (Regional Subsidiaries) Regulation 2017. This plan has been prepared as required under Section 4(3) of the Regulation to chart a course for a possible transition to a Regional Subsidiary.



## THE CURRENT POSITION

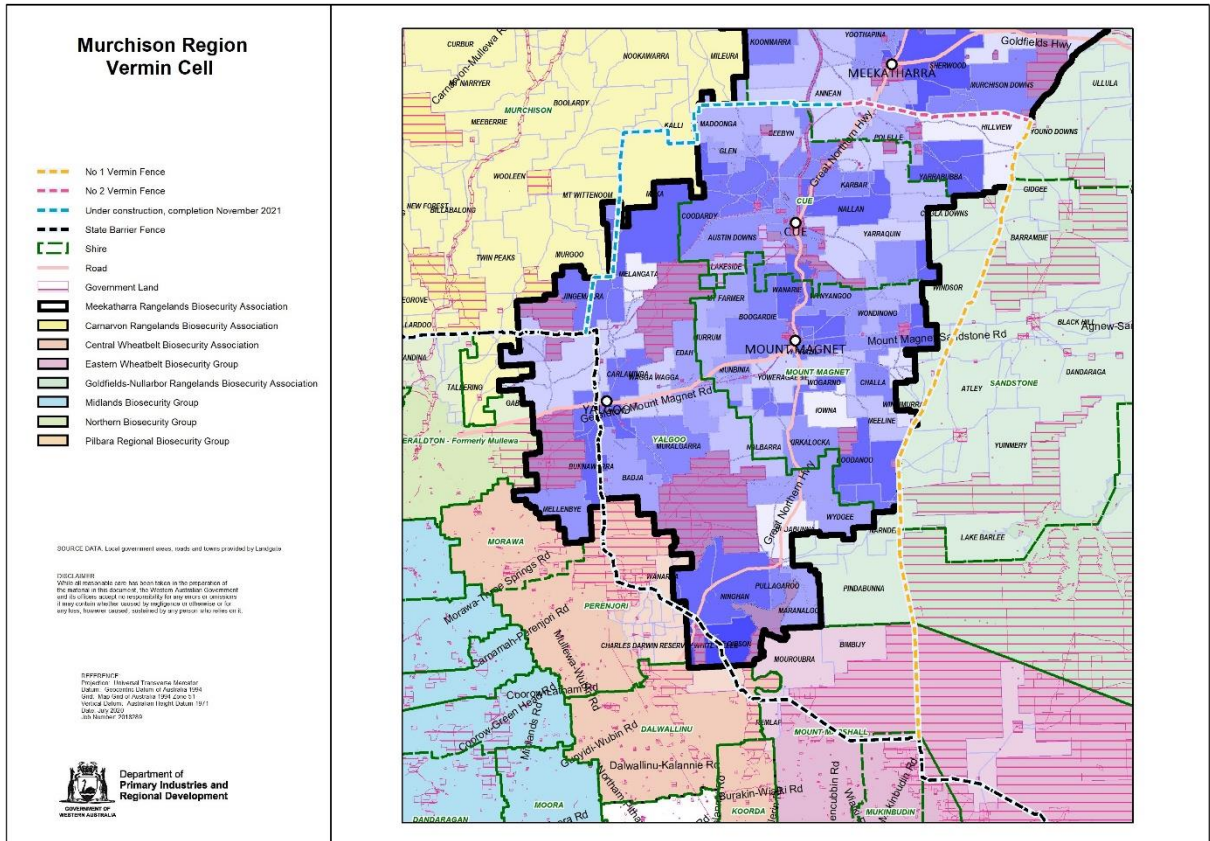
The Murchison Regional Vermin Council (MRVC) is a statutory organisation which operates under the provisions of the Local Government Act 1995. Member councils are the Shires of Sandstone, Mount Magnet, Yalgoo and Cue. Each member Council nominates two delegates to serve on the MRVC and delegates elect from amongst themselves the Chairperson.

The MRVC was established in 1963 for the purpose of rehabilitation and maintenance of the No. 1 Vermin Fence and No. 2 Vermin Fence. The No. 1 Vermin Fence is 559 kilometres in length commencing at the 80-mile peg south near Lake Moore and ending at a location approximately 20 kilometres north of the Meekatharra/Wiluna Road. The No. 2 Vermin fence originally extended extends west from the No. 1 Vermin Fence for a distance of 163 kilometres terminating approximately 66.5 kilometres southeast of the Great Northern Highway on the northwestern boundary of the pastoral station "Beebyn".

# MURCHISON REGIONAL VERMIN COUNCIL

The No 2 Vermin Fence has recently been extended by a distance of 285 km and now joins up with the State Barrier Fence on the southern boundary of Jingemarra Station. This extension was carried to create a fully enclosed vermin cell known as the Murchison Region Vermin Cell.

The map below shows the extent of the Murchison Region Vermin Cell and the No 1 and No 2 Vermin Fences.



As required under the Local Government Act the Murchison Regional Vermin Council employs a Chief Executive Officer. This is a part time position and there are no other employees. The Shire of Mount Magnet provides administrative support for which the MRVC makes a payment of \$6,000 per year.

MRVC compliance and administrative obligations under the Act are much the same as a large Shire or City Council. The MRVC's sole function is to maintain and manage some 1000km vermin fencing yet is burden under the Act by:

- Unnecessarily complex financial reporting and budgetary structures.
- Onerous annual auditing requirements managed by the Office of the Auditor General.
- The requirement for six Ordinary Meetings per year along with separate audit committee meetings all to be attended by two elected member delegates from each member Council.
- Complex business planning requirements as set out in the Act under Integrated Planning and Reporting - Section 5.56. This requires Council to have a Corporate Business Plan, Asset Management Plan, Workforce Plan and Long-Term Financial Plan.





## THE NEW POSITION

MRVC Council Delegates and Member Councils are supportive of the MRVC transitioning to a Regional Subsidiary set up in accordance with the Local Government (Regional Subsidiary) Regulation 2017. Meetings of been held with the Minister for Local Government and Department of Local Government Staff.

It is recognised that were the MRVC to become a Regional Subsidiary the MRVC would be the first such local government to do so in the State. In meetings with the Minister and Departmental staff it was acknowledged that the 2017 Regulation will be updated over the next twelve months to further simplify the operations of Regional Subsidiaries.

### ADVANTAGES OF A REGIONAL SUBSIDIARY

Key regulatory advantages of the MRVC becoming a Regional Subsidiary include:

- The adoption of a Charter that sets out in plain English how the subsidiary will function.
- Board members are appointed by participating Councils and can be Elected Members or suitably qualified appointees.
- There is no requirement to establish an Audit Committee.
- Financial reporting requirements and format are determined by the Board and are expected to align with the requirements for an Association as set out in the Associations Incorporation Act 2015. There is no specific requirement for a budget review as of 31 December.
- There is no requirement for completion and lodgement of an annual Compliance Audit Return.
- There is only one Business Plan required.
- The number of Board Meeting is set by the Board and expressed in the Charter.
- There is no requirement for the swearing in of Board Members.

Unfortunately, annual auditing requirements will remain unchanged from current arrangements where the Office of the Auditor General appoints the auditor and the audit process does not differentiate between a large Shire or City Council and the Regional Subsidiary. It is expected that this may change in the coming year with amendments to the Local Government Act.

Key operational advantages include:

- Whilst the organisation will still require a part time CEO and under the Charter be required to hold Board meetings it is anticipated that there will be savings in salary and governance that can be redirected to the maintenance of the No 1 and 2 Vermin Fences thus increasing the level of service.
- There will be no change in the way maintenance is carried out and the current three-year contract that sees a maintenance run over the full length of vermin fencing four times every year will remain as is.
- Current member council contributions are Yalgoo, Mount Magnet, Cue \$34,468 pa and Sandstone \$11,489 pa. Other than increases in line with inflation it is not expected that member council contributions will change from these current levels. Likewise current pastoralist fence rental charges totally \$7,278 pa are expected to increase in line with inflation.
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# MURCHISON REGIONAL VERMIN COUNCIL



- It is expected that a four-year Business Plan will be prepared and updated annually. This Plan will incorporate into one document current Integrated Planning requirements including an asset management and long-term financial plan. There will be no impact on current plans prepared by member councils under the Integrated Planning requirements of the Local Government Act.
- Once a Regional Subsidiary is in place there will be an opportunity to invite additional participating Shires whose boundaries are located in part within the Murchison Region Vermin Cell. The two Shires that fall into this category are Murchison and Meekatharra.

## NEXT STEPS

Following approval by MRVC delegates the Local Government (Regional Subsidiary) Regulation requires current member councils (Sandstone, Yalgoo, Mount Magnet and Cue) to seek submissions from their communities on the proposal for the MRVC to become a Regional Subsidiary based on details contained in this Business Case. This process involves each member Council giving local public notice and publishing the Business Case on their web sites.

On the basis of submissions received the Business Case may be updated and possibly put out again for community input prior to submitting to the Minister for Local Government for approval.

# **Model Regional Subsidiary Charter**

**February 2023**

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# 1. INTRODUCTION

## 1.1 Name

The name of the subsidiary is the ~~[Name of Subsidiary]~~ Murchison Regional Vermin Cell Authority

## 1.2 Interpretation and Definitions

“*Absolute majority*” has a meaning given to it in Regulation 13 of the *Local Government (Regional Subsidiaries) Regulations 2017*;

“*Act*” means the *Local Government Act 1995*;

“*authorised institution*” has a meaning given to it in Regulation 19C(1) of the *Local Government (Financial Management) Regulations 1996*.

“*Board*” means the Board of Management of the Subsidiary established under Clause 3;

“*Board Member*” means a person who has been appointed to the Board by a participant in accordance with Clause 3.1, or as appointed in accordance with Clause 3.2;

“*Council Member*” means an elector Mayor or President, or Councillor of a Local Government who has been elected pursuant to the *Local Government Act 1995*;

“*employee*” means an employee of the Regional Subsidiary;

“*Financial Year*” means a year beginning on 1 July in each year and ending on 30 June of the following year;

“*Levy*” means a charge imposed by the Subsidiary on the participant in accordance with Clause 5.2;

“*Minister*” means the Minister of the Crown to whom the administration of the Act is for the time being committed by the Governor and includes a Minister of the Crown for the time being acting for or on behalf of the Minister;

“*participant*” means those Local Governments named in Clause 1.3;

“*regional subsidiary*” has a meaning given to it in Section 1.4 of the *Local Government Act 1995*;

“*Regulations*” means the *Local Government (Regional Subsidiary) Regulations 2017*;

“*subscription*” means those monies the participants are liable to contribute to the Subsidiary in accordance with Clause 6.2;

“*Subsidiary*” means the *[Name of Subsidiary]*



### 1.3 Establishment

1. The subsidiary has been established by the Minister upon application of the participating local governments under section 3.69 of the Act.
2. The participant local governments are:

Name of Local Government	Participant's Shares
Shire of Yalgoo	25%
Shire of Sandstone	25%
Shire of Mount Magnet	25%
Shire of Cue	25%

### 1.4 Local Government Act 1995

This Charter must be read in conjunction with Part 3, Division 4 of the Act and the *Local Government (Regional Subsidiaries) Regulations 2017*.

### 1.5 Purpose for which the subsidiary is established

*Note: Following are broad examples of the purpose for which a regional subsidiary could be established. Examples can be modified to suit individual circumstances and could have a more specific purpose such as:*

- ~~— To facilitate and co-ordinate waste management including collection, treatment, disposal and recycling within the region; or~~
- ~~- To facilitate and coordinate the construction of well-aged housing within the region.~~
- ~~- To maintain and upgrade the No 1 and No 2 Vermin Fences that enclose the Murchison Region Vermin Cell to a wild dog proof standard.~~
- ~~- To maintain and upgrade the No 1 Vermin Fence north of the Murchison Region Vermin Cell to a cattle proof standard.~~
- ~~- To promote and support initiatives that enhance the effectiveness of the Murchison Region Vermin Cell thus encouraging a return by pastoralists to small stock production.~~
- ~~-~~

*The Subsidiary is established to –*

~~1.5.1 assess the possibilities and methodology of facilitating, and to identify funding and revenue opportunities for, a range of services and projects on a regional basis; Maintain and upgrade, to a wild dog proof standard, the No 1 and No 2 vermin fences that enclose the Murchison Region Vermin Cell~~

~~1.5.2 undertake co-ordinating, advocacy and representational roles on behalf of its Participants at a regional level Promote and support the installation of additional new vermin fencing to enhance the effectiveness of the Murchison Regional Vermin Cell~~

~~4.5.21.5.3; Support the sustainable production of small stock by pastoralists free from incursion of wild dogs from outside the Cell~~

- ~~1.5.3 facilitate and coordinate activities of local government at a regional level related to (insert the purpose of the subsidiary) and social, environmental and community development with the object of achieving improvement for the benefit of the communities of its Participants;~~
- ~~1.5.4 develop, encourage, promote, foster and maintain consultation and cooperation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;~~
- ~~1.5.5 undertake projects and activities that (insert the purpose of the subsidiary) and benefit its region and its communities;~~
- ~~1.5.6~~1.5.4 ~~implement programs that seek to deliver local government services on a regional basis in line with (insert the purpose of the subsidiary)~~

## **1.6 Powers**

The Subsidiary has all the powers it needs to achieve its purpose under this charter, subject to the limitations prescribed in the Act, Regulations and this charter, in particular the Subsidiary may:

- a) acquire, hold, deal with, and dispose of any real or personal property, subject to the Regulation 8; and
- b) open and operate bank accounts; and
- c) invest its money in accordance with Regulation 22; and
- d) borrow money upon such terms and conditions as the Subsidiary thinks fit, in accordance with Regulation 11; and
- e) give such security for the discharge of liabilities incurred by the Subsidiary as the association thinks fit, subject to Regulation 11; and
- f) employ such persons and appoint such agents to transact any business of the Subsidiary on its behalf as are necessary and desirable; and
- g) enter into any other contract it considers necessary or desirable.

## **1.7 Delegation by Subsidiary**

- (1) The Board may delegate any of its functions to a committee or the Managing Director except:
  - a. this power of delegation;
  - b. the power to borrow;
  - c. the power to levy the participants;
  - d. any decision which requires an absolute majority of the Board
- (2) The Managing Director may delegate any of their functions, including functions delegated to them by the Board, to an employee except this power of delegation.
- (3) All delegations made under subclauses (1) and (2) are to be recorded in a register and reviewed at least once every four years.
- (4) Written records must be kept of the exercise of any delegation.
- (5) Sections 58 and 59 of the Interpretation Act 1984 apply to delegations.

## **2. STRUCTURE**

The Subsidiary is a body corporate with perpetual succession and a common seal and is governed by its Charter.

### 3. BOARD OF MANAGEMENT

- (1) The governing body of the subsidiary is the Board.
- (2) The Board is responsible for all the functions and affairs of the subsidiary and has the power to do all things necessary or convenient to be done for the proper management of the functions and affairs of the subsidiary, subject to the Act, regulations and this charter. The Board is responsible for managing all activities of the Subsidiary and ensuring that the Subsidiary acts in accordance with this Charter.
- (3) The Board is to ensure there is an appropriate structure for the administration of the subsidiary.

#### 3.1 Qualification for Membership of the Board

- 3.1.1 Each participant is entitled to appoint ~~X-2~~ persons ~~per share~~, who may be either Elected Members or ~~employees~~ other suitably qualified persons, to be a Board Member. A participant may at any time revoke such appointment and appoint another person on behalf of that participant;
- 3.1.2 Subject to Clause 3.1.7 a Board Member shall be appointed for a term specified in their instrument of appointment. In the case of an Elected Member serving as a Board Member the term of appointment shall not exceed ~~not exceeding~~ the term that the Board Member continues as an elected member of the participant or until the conclusion of the next periodic Local Government Election following their appointment, whichever term is lesser, at which time they will be eligible for re-appointment by the participant;
- 3.1.3 Each participant is to appoint a sufficient number of elected member(s) or ~~employees~~ or suitably qualified persons of the participant to act as a Deputy Board Member in place of that participant's substantive Board Member if that Board Member is unable to be present at a meeting of the Board. The participant may revoke the appointment of a Deputy and appoint another person as Deputy at any time;
- 3.1.4 In the absence of a Board Member, a Deputy Board Member has all the rights and responsibilities of the Board Member;
- 3.1.5 Each participant must give notice in writing to the Subsidiary of the elected members or suitably qualified person it has appointed as a Board Member and Deputy Board Members and of any revocation of any of those appointments;
- 3.1.6 A Subsidiary is to permit any elected member or employee of a Participant to attend meetings of the Board in the capacity of an observer;
- 3.1.7 The provisions regarding terminating the appointment of an Elected Member apply to all Board Members. The appointment of a Board Member shall terminate –

- a) upon the Local Government that appointed him/her ceasing to be a participant; or
- b) if the Board member ceases to be an elected member of the participant which appointed him/her;
- c) upon the happening of any other event through which the Board Member would become ineligible to remain as a Board Member;
- d) upon their term expiring in accordance with Clause 3.1.2

3.1.8 The Board may by an absolute majority decision of the Board Members make a recommendation to the relevant participant requesting that the participant terminate the appointment of a Board Member in the event of –

- a) any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
- b) serious neglect of duty in attending to the responsibilities of a Board Member;
- c) breach of fiduciary duty to the Subsidiary or the participant;
- d) breach of the duty of confidentiality to the Subsidiary or the participant;
- e) breach of the conflict of interest provisions of the Act; or
- f) any other behaviour that may, in the opinion of the Board, discredit the Subsidiary or the participant.

### 3.2 Qualification for Membership – Subject Matter Expert

3.2.1 The Board may ~~consist of or include~~ appoint up to ~~X~~ (x2) additional persons ('subject matter expert') not being elected members or ~~employees suitably qualified persons~~ appointed to the Board, ~~by mutual consent of the Participants~~. In this context, 'subject matter expert' means a person is to have the abilities and attributes to provide advice, expertise, skills and experience relevant to the purpose of the Subsidiary, including but not limited to financial management, business, legal, technical and governance experience.

3.2.2 The Board is to determine the selection and appointment process for subject matter expert positions.

### 3.3 Functions of the Board

3.3.1 Formulating plans, financial management and broad strategies aimed at delivering the Purpose of the Subsidiary as set out in Clause 1.5;

- 3.3.2 Providing input and policy direction to the Subsidiary;
- 3.3.3 Appointing, monitoring, overseeing and evaluating the performance of the Managing Director of the Subsidiary;
- 3.3.4 Ensuring activities relevant to the Purpose are efficiently and effectively undertaken by the Subsidiary;
- 3.3.5 Ensuring that the activities of the Subsidiary are undertaken in an open, accountable and cost-effective manner;
- 3.3.6 Representing the interests of the Participants in performing their roles and responsibilities;
- 3.3.7 Participating in the decision-making process of the Subsidiary.

#### **3.4 Duties of Board Members**

- (1) Each Board member —
  - a) must at all times act honestly in the performance of the functions of a director, whether within or outside the State;
  - b) must at all times exercise the degree of care and diligence in the performance of the functions of a member, whether within or outside the State, that a reasonable person in that position would reasonably be expected to exercise in the Board's circumstances;
  - c) must at all times act in the best interests of the subsidiary and give precedence to the interests of the subsidiary over the interests of any person appointing or electing a Board member;
  - d) must not, whether within or outside the State, make improper use of information acquired by virtue of the position of member to gain, directly or indirectly, an advantage for any person or to cause detriment to the Subsidiary;
  - e) must not, whether within or outside the State, make improper use of the position of member to gain, directly or indirectly, an advantage for any person or to cause detriment to the Subsidiary.
- (2) Nothing in subclause (1) affects —
  - (a) any other duty a Board member may have under any other law;  
or
  - (b) the operation of any other law in relation to such a duty.

#### **3.5 Chairperson of the Board**

- 3.5.1 A Chairperson and Deputy Chairperson shall be elected at the Annual General Meeting by the Board from the Board Members.
- 3.5.2 Where there is more than one nomination for the position of Chairperson or Deputy Chairperson, the election shall be decided by ballot, in accordance with the provisions of Schedule 2.3 of the Act.

- 3.5.3 Subject to legislation and any other provision in this Charter to the contrary, the Chairperson and Deputy Chairperson shall hold office from the Annual General Meeting at which they were elected until the next Annual General Meeting unless he/she resigns or is no longer eligible to act as a Board Member.
- 3.5.4 If the Chairperson should cease to be a Board member, the Deputy Chairperson shall act as Chairperson until the election of a new Chairperson at the next Annual General Meeting.

### **3.6 Powers of the Chairperson and Deputy Chairperson**

- 3.6.1 The Chairperson shall preside at all meetings of the Board and, in the event of the Chairperson being absent from a meeting, the Deputy Chairperson shall preside.
- 3.6.2 In the event of both the Chairperson and Deputy Chairperson being absent from a meeting, the Board shall appoint a member from amongst themselves, who shall preside for that meeting or until the Chairperson or Deputy Chairperson is present;
- 3.6.3 The Chairperson shall have a deliberate vote and, in the event of an equality of votes on any matter not requiring an absolute majority, shall have a casting vote;
- 3.6.4 The Chairperson speaks on behalf of the Subsidiary;
- 3.6.5 The Chairperson is to liaise with the Managing Director.

### **3.7 Meetings of the Board**

- 3.7.1 The Board may determine procedures, in addition to but not inconsistent with those specified in this Charter, to apply at or in relation to its meetings.
- 3.7.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Managing Director of the Subsidiary from time to time, and in any event not less than four (4) times per financial year.
- 3.7.3 For the purposes of this sub-clause, the contemporary linking together by telephone, audio-visual or other instantaneous means (“telecommunications meeting”) of the Board Members, provided that at least a quorum is present, is deemed to constitute a meeting of the Board.
- 3.7.4 Notice of ordinary meetings of the Board (including the Annual General Meeting) must be given by the Managing Director of the Regional Subsidiary to participants at least four (4) weeks prior to the holding of the meeting either by post to the ~~articipant’s~~participant’s address or by post to any other location, or

via any other means of giving notice (e.g. facsimile or email) as nominated by the Board Member in writing addressed to the Managing Director of the Subsidiary.

- 3.7.5 Any one of the Participants may by delivering a written request to the Managing Director of the Subsidiary require a special meeting of the Board to be held. On receipt of the request, the Managing Director shall send a notice of the special meeting to all Board Members and Chief Managing Directors of the Participants at least seven (7) days prior to the date of the special meeting in the manner provided for in Clause 3.6.5. Such notice shall specify the date, time and place of the special meeting and be signed by the Managing Director of the Subsidiary, and contain, or be accompanied by, the agenda for the meeting.
- 3.7.6 The request by any Participant to the Managing Director of the Subsidiary requiring a special meeting to be held must be accompanied by the proposed agenda for the meeting and any written reports intended to be considered at the meeting (and if the proposed agenda is not provided the request is of no effect).
- 3.7.7 The Chairperson may convene a special meeting of the Board at the Chairperson's discretion without complying with the notice requirements prescribed by Clause 3.6.5 provided always that there is a minimum one (1) hour notice given to Board Members.
- 3.7.8 The Chairperson shall convene other meetings of the Board as the Board may direct.
- 3.7.9 A quorum will be constituted in accordance with subclause (a) and subclause (b):
- a) The prescribed number of Board Members will constitute a quorum at a meeting and no business will be transacted at a meeting unless a quorum is present.
  - b) The quorum for a meeting of the Board is at least 50% of the number of offices (whether vacant or not) of Members of the Board.
- 3.7.10 Voting shall be in accordance with subclauses (a) to (e):
- a) Each Board Member including the Chairperson, shall be entitled to make a deliberate vote and is to be conducted so that no voter's vote is secret. The Chairperson is to have a casting vote in the event of an equality of votes, except where an absolute majority decision is required.
  - b) Questions arising for decision at ordinary meetings of the Board will be decided by a simple majority of votes.
  - c) A recommendation to Participants to wind up the Subsidiary requires the votes of the Board Members of an absolute majority of the Participants.



- d) Subject to conflicts of interest, each Board Member present at a meeting and entitled to a vote in accordance with Clause 3.7.11(a) must vote on a question arising for decision at the meeting.
- e) Any decision on a significant change to the Subsidiary Charter requires an absolute majority of the Participants.

### **3.8 Board Meeting Procedures**

- 3.8.1 A majority of the Board Members present at a meeting of the Board may adjourn the meeting
- 3.8.2 Meetings of the Board must be conducted in a place open to the public;
- 3.8.3 All Board Members must at all times keep confidential all documents and any information provided to them on a confidential basis for their consideration prior to a meeting of the Board;
- 3.8.4 The Board may require non-Board members present at a meeting (Participant observers, employees, members of the public) to be excluded from attendance at any meeting when a confidential matter is under discussion;
- 3.8.5 Where the Board has considered any information or a matter in confidence it may subsequently resolve to keep minutes and/or any other documents considered during that part of the meeting confidential.
- 3.8.6 Where an order to close a meeting to the public is made, the minutes are to record the making of the order and the grounds on which it was made.
- 3.8.7 The Managing Director must cause minutes to be kept of the proceedings at every meeting of the Board and present the minutes at the next meeting of the Board for confirmation and adoption.
- 3.8.8 Where the Managing Director is excluded from attendance at a meeting of the Board pursuant to Clause 3.8.5, the person presiding at the meeting shall cause the minutes to be kept.
- 3.8.9 A person is entitled to inspect, without payment of a fee:
  - a) minutes of a Board meeting;
  - b) reports to the Board received at a meeting of the Board;
  - c) recommendations presented to the Board in writing and adopted by resolution of the Board.
- 3.8.10 A person is entitled, on payment to the Board of a fee fixed by the Board, to obtain a copy of any documents available for inspection.

3.8.11 Clauses 3.8.10 and 3.8.11 do not apply in relation to a document or part of a document if:

- a) The document or part of the document relates to a matter of a kind referred to in Clause 3.8.5; and
- b) The Board orders that the document or part of the document be kept confidential (provided that in so ordering the Board must specify the duration of the order or the circumstances in which it will cease to apply or a period after which it must be reviewed).

### **3.9 Committees**

3.9.1 The Board may establish a committee of Board Members for the purpose of:

- a) enquiring into and reporting to the Board on any matter within the Subsidiary's powers, functions and duties and as detailed in the terms of reference given by the Board to the Committee;
- b) exercising, performing or discharging delegated powers, functions or duties.

3.9.2 The Chairperson of the Board is an ex-officio member of any committee or advisory committee established by the Board.

### **3.10 Annual General Meeting**

The Annual General Meeting will:

- a) be held on a day selected by the Subsidiary but not more than 60 days after the Subsidiary accepts the annual report for the previous financial year;
- b) receive the Subsidiary's Annual Report which may incorporate reports from committees and any representatives reports from other organisations;
- c) receive the audited financial statement for the preceding financial year;
- d) acknowledge the appointment of Board Members;
- e) elect the:
  - i. Chairperson; and
  - ii. Deputy Chairperson;
- f) Where necessary, appoint representatives to other organisations;

- g) consider any other business raised at the general meeting.

### **3.11 Fees, Allowances and Reimbursements**

Meeting attendance fees or annual allowances; expenses and reimbursements for Board Members are to be determined annually by the Subsidiary.

## **4. MANAGING DIRECTOR**

- 4.1 The Board shall appoint a Managing Director to manage the business of the Subsidiary on terms agreed between the Managing Director and the Board.
- 4.2 The Managing Director is responsible to the Board for the execution of decisions taken by the Board and for the efficient and effective management of the affairs of the Subsidiary.
- 4.3 The Managing Director shall cause records to be kept of all activities and financial affairs of the Subsidiary in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.
- 4.4 The Managing Director is responsible for the day-to-day management of the Subsidiary and will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Subsidiary.
- 4.5 The functions of the Managing Director shall be specified in the terms and conditions of appointment and shall include but are not limited to:
  - 4.5.1 attendance at all meetings of the Board;
  - 4.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
  - 4.5.3 providing information to assist the Board to assess the Subsidiary's performance against its Strategic Management and Business Plans;
  - 4.5.4 the employment, management, supervision, direction and dismissal of employees of the Subsidiary;
  - 4.5.5 determining the conditions of employment of employees of the Subsidiary , within budgetary constraints set by the Board;
  - 4.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
  - 4.5.7 ensuring that the Subsidiary is at all times complying with this Charter, the Act or Regulations;

- 4.5.8 co-ordinating and initiating proposals for the consideration of the Board including but not limited to continuing improvement of the operations of the Subsidiary;
  - 4.5.9 ensuring that the assets and resources of the Subsidiary are properly managed and maintained;
  - 4.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
  - 4.5.11 ensuring that the Subsidiary's Annual Report is distributed to the Participants, ~~in time to be incorporated in their Annual Reports;~~within four weeks of adoption by the Board.
  - 4.5.12 exercising, performing or discharging other powers, functions, delegations or duties conferred on the Managing Director by or under the Act or any other Act, and performing other functions lawfully directed by the Board; and
  - 4.5.13 achieving financial outcomes in accordance with adopted plans and budgets of the Subsidiary .
- 4.6 The Managing Director may delegate or sub-delegate the exercise of any of the Managing Director's functions to:
- a) an employee of the Subsidiary ;
  - b) an employee of a Participant, as agreed to by the Managing Director and CEO of the Participant; or
  - c) a person for the time being occupying a particular office or position;
- 4.7 Where a power or function is delegated to an employee, or a person occupying a particular office or position, that employee or person is responsible to the Managing Director for the efficient and effective exercise or performance of that power or function.
- 4.8 A written record of all delegations and sub-delegations must be kept by the Managing Director at all times;
- 4.9 The Managing Director is to liaise with the Chairperson.

## 5. FINANCIAL MANAGEMENT

Clause 5 is to be read in conjunction with Regulation 19(1) of the *Local Government (Regional Subsidiaries) Regulations 2017* and Appendix 1 of this Charter.

### 5.1 Local Government (Financial Management) Regulations 1996

The following provisions of the *Local Government (Financial Management) Regulations 1996* shall apply in relation to the Regional Subsidiary:

r. 5A to 6	r. 11
r. 14 to 17A	r. 19
r. 22	r. 25 to 33A
r. 36	r. 41 and 42
r. 44	r. 48 and 49
r. 51	

NOTE: Regulation 9(g) of the *Local Government (Regional Subsidiaries) Regulations 2017* includes the following requirement in relation to financial management provisions that are to be included in a Charter:

*“in relation to the financial management of the regional subsidiary — details of any of the listed provisions (as defined in regulation 19(1) and applied by that sub regulation to a regional subsidiary subject to its charter) that do not apply to the regional subsidiary, and the reasons why they do not apply;”*

Consequently, a Charter is to explain the reason why any of All of the provisions from Regulation 19(1), as listed in Clause 5.1, are not to apply apply to the Regional Subsidiary.

### 5.2 Financial Management

- 5.2.1 The Subsidiary shall keep proper books of accounts and reconsider its budget in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- 5.2.2 The Subsidiary’s accounts and records must be available for inspection by any Board Member or authorised representative of any Participant at any reasonable time on request.
- 5.2.3 The Subsidiary must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.

- 5.2.4 The Subsidiary shall appoint the Managing Director, the Chairperson and the Deputy Chairperson as authorised operators of the Bank accounts. A minimum of two authorised operators must be required to deal with the bank account at any one time.
- 5.2.5 Any payments made by cheque, credit card or Electronic Funds Transfer must be made in accordance with procedures and by a person or persons authorised and approved by resolution of the Board
- 5.2.6 The Managing Director must act prudently in the handling of all financial transactions for the Subsidiary and must provide quarterly financial and corporate reports to the Board and if requested, the Participants.

### 5.3 Levy of Participants

- (1) The subsidiary cannot operate at a loss.
- (2) This clause applies if:
  - (a) A budget deficit is disclosed in the annual budget of the subsidiary;
  - (b) A deficit is disclosed in the annual financial report of the subsidiary; or
  - (c) An anticipated exception deficit is determined by the subsidiary.
- (3) The Board, by absolute majority, may determine, where a deficit is identified, to levy the participants.
- (4) A levy must be uniform among the participants and expressed on a per share basis.
- (5) The levy shall be calculated by the following formula:

$$\frac{\textit{Total Deficit}}{\textit{Participant Share}} = \textit{Levy amount}$$

where deficit is the total deficit and share is the share of each participant in the subsidiary.

- (6) When a levy is determined, the Managing Director must promptly give notice of the levy and the due date for payment to the participants.
- (7) A participant must pay the levy to the Subsidiary within 60 days of notice being given of the levy, unless the participant lodges an objection.
- (8) A participant that objects in writing to the imposition of the levy within 30 days of the date of the notice shall be exempt from payment of the levy until its objection is considered at a meeting of the Board.

- (9) The Board must, after consideration of the objection of a participant to a levy, by absolute majority, confirm, vary, or cancel the levy.
- (10) Where a participant fails to pay its contribution by the due date, the contribution owed accrues interest, compounded daily at the overdraft rate of the subsidiaries bank account until paid.

#### **5.4 Borrowing Money**

Clause 5.4 is to be read in conjunction with Regulation 11 of the Local Government (Regional Subsidiaries) Regulations 2017 in relation to the borrowing money.

- 5.4.1 If the Subsidiary intends to borrow money then the Subsidiary must make a proposal in writing to all Participants outlining the amount of money proposed to be borrowed, the terms and conditions of the loan amount and the purpose to which the money will be put.
- 5.4.2 The Participants will vote independently on the proposal.
- 5.4.3 To authorise the borrowing of money by the Subsidiary, there must be an absolute majority of the Participants in favour of the borrowing.

#### **5.5 Audit**

- 5.5.1 The Auditor General will be responsible for conducting the Subsidiary's Audit.
- 5.5.2 The audit of financial statements of the Subsidiary, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Participants.
- 5.5.3 The Subsidiary is not required to establish an audit committee.

#### **5.6 Business Plans**

Clause 5.6 is to be read in conjunction with Regulation 4(3) of the Local Government (Regional Subsidiaries) Regulations 2017 in relation to business plans.

- 5.6.1 The Subsidiary shall prepare a Business Plan with supporting financial projections setting out estimates of revenue and expenditure, as part of its establishment. Upon commencement of operations, the Business Plan will guide the strategic and operational activities of Subsidiary.
- 5.6.2 The Business Plan will be reviewed annually.

## 5.7 Annual Program and Budget

- 5.7.1 An annual program and budget developed in accordance with the Business Plan and detailing the estimated revenues, costs and levies for the ensuing financial year shall be submitted by the Managing Director to the Board by 30 June in each financial year.
- 5.7.2 The proposed annual program and the budget detailing the estimated revenues, costs and levies may be altered by the Board and shall be adopted by the Board subject to such alterations as the Board agrees upon after 31 May for the ensuing financial year and before 31 August for the current financial year.
- 5.7.3 The proposed annual program and the budget must be referred to the Participants at ~~least~~ least six (6) weeks prior to the date of the meeting at which the budget is to be adopted.
- 5.7.4 A Participant may comment on the annual program and the budget in writing to the Managing Director at least seven (7) business days before the meeting at which the budget is to be adopted or through its Board Members at that meeting.
- 5.7.5 The Board must provide a copy of the adopted budget to the Chief Managing Directors at each Participant within five (5) business days after the budget is adopted.
- 5.7.6 The Board will reconsider the budget at least once during the financial year.

## 5.8 Reporting

- 5.8.1 The Subsidiary must submit to the Participants, at least once in each operating year and prior to 31 August of the subsequent financial year, a report on the work and operations of the Subsidiary detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Subsidiary and any other information or report as required by the Participants.
- 5.8.2 The Board shall present a balance sheet and full financial reports to the Participants at the end of each operating year in accordance with the *Local Government (Financial Management) Regulations 1996*



## 5.9 Procurement of Goods and Services

Regulation 15 of the *Local Government (Regional Subsidiaries) Regulations 2017* applies to the procurement of goods and services.

## 6. MISCELLANEOUS

### 6.1 New Participants

Regulation 9(m) of the *Local Government (Regional Subsidiaries) Regulations 2017* relates to the inclusion of further participants.

Subject to the provisions of the Act and Regulation 4 of the *Local Government (Regional Subsidiaries) Regulations 2017* this Charter may be amended, subject to Ministerial approval, by the unanimous agreement of the participants to provide for the inclusion of one or more new participants, with or without conditions of membership, such conditions to be determined by the Board.

### 6.2 Withdrawal

- 6.2.1 Subject to Ministerial approval, a participant may withdraw from the Regional Subsidiary by giving not less than twenty-four (24) months' notice of its intention to do so to the Board and to the Managing Director, unless a shorter withdrawal period is agreed by the participants and approved by the Board.
- 6.2.2 A withdrawal becomes effective from 30 June (or such later date as agreed by the participants) following the expiry of the twenty-four (24) month notice period. Until the date on which the withdrawal becomes effective (Withdrawal Date), the withdrawing participants:
- 6.2.3 must continue to pay Financial Contributions to the Subsidiary as required by this Charter; and
- 6.2.4 through its Board Members and Deputy Board Members, retains responsibility for ensuring the continued proper conduct of the affairs of the Subsidiary.
- 6.2.5 The withdrawal of any participant does not extinguish the liability of that participant to contribute to any loss or liability incurred by the Subsidiary at any time before or after such withdrawal in respect of any act or omission by the Subsidiary prior to such withdrawal.

Additional clause may be required should Participants accrue equity in the Subsidiaries operations, whereby a formula will be required to determine the equity entitlement of the withdrawing Participant.

### **6.3 Insurance and Superannuation Requirements**

The Subsidiary shall ensure appropriate insurance and superannuation compliance requirements are executed.

### **6.4 Winding Up**

6.4.1 The Subsidiary may be wound up by the Minister acting upon an absolute majority resolution of each of the participants.

6.4.2 The Subsidiary may be wound up by absolute majority decision of the participants, for reasons which may include:

- The participants believe the Subsidiary has generally achieved the purpose for which it was established;
- The participants are agreed that the regional subsidiary model has ceased to be an effective mechanism for the achievement of the established purpose;
- Alteration to the structure or capacity of the one or more of the participants.

6.4.3 Notice of a meeting for the purpose of making a recommendation to the participants to wind up the Subsidiary will be sent to Board Members and the Chief Managing Directors of the participants at least eight (8) weeks before the date of the meeting.

6.4.4 In the event of a winding up of the Subsidiary, any surplus assets after payment of all expenses shall be returned to participants in proportion to the subscription paid in the financial year prior to the passing of the resolution to wind up.

6.4.5 If there are insufficient funds to pay all expenses due by the Subsidiary on winding up, a levy shall be imposed on all participants in proportion to the subscription paid in the financial year prior to the passing of the resolution to wind up.

### **6.5 Direction by Participants**

6.5.1 The establishment of the Subsidiary does not derogate from the power of the participants to jointly act in any manner prudent to the sound management and operation of the Subsidiary provided the participants have first agreed by resolution of each participant as to the action to be taken.

6.5.2 The establishment of the Subsidiary does not derogate from the power of any of the participants to act independently in relation to a matter for which the Subsidiary has been established.

6.5.3 Provided that the participants have all first agreed unanimously as to the action to be taken, the participants may direct and control the Subsidiary.

6.5.4 For the purpose of sub-clause 6.8.3, any direction given by the participants must be given in writing to the Managing Director of the Subsidiary.

## **6.6 Requests from Participants**

6.6.1 A participant may submit a request for information to the Managing Director who will submit the request to the Board.

6.6.2 The Board will determine if a response will be provided to the requesting participant.

6.6.3 Any requested information provided to a participant will be provided to all participants

## **6.7 Review and Alteration of Charter**

Regulation 6 of the *Local Government (Regional Subsidiaries) Regulations 2017* relates to the alteration of the Charter, where a 'significant change' is deemed to apply.

6.7.1 This Charter will be reviewed by the participants acting in concurrence at least once every four (4) years.

6.7.2 This Charter may be amended by unanimous resolution of the participants.

6.7.3 Notice of a proposed alteration must be given by the Managing Director to all participants at least four (4) weeks prior to the Council meeting at which the alteration is proposed.

6.7.4 The Managing Director must ensure that a copy of the amended Charter is provided to the Minister in accordance with Section 3.70(3) of the Act for the Minister to approve the charter.

## **6.8 Disputes Between Participants**

6.8.1 The participants agree to work together in good faith to resolve any matter requiring their direction or resolution.

6.8.2 Where the participants are unable to resolve a matter within twenty one (21) days of the matter being presented to them:

- a) The Subsidiary or any participant may notify the others in writing (Arbitration Notice) that it requires the dispute to be referred to arbitration; and
- b) the dispute (unless meanwhile settled), on receipt of the Arbitration Notice by the recipients, is taken to be referred to arbitration under and in accordance with the provisions of the *Commercial Arbitration Act 2012 (WA)*

6.8.2 Notwithstanding sub-clause 6.10.2 the participants agree to be bound by the decision of the appointed arbitrator and will endeavour to work together in good faith in the implementation of that decision.

6.8.3 The costs of arbitration shall be borne equally by the participants involved in the arbitration.

## **6.9 Common Seal**

(1) The Subsidiary shall have a common seal in the following form:

[insert common seal]

(2) The affixing of the common seal shall be witnessed by the Chairperson or Deputy Chairperson and the Managing Director or such other person as the Subsidiary may appoint for the purpose.

(3) The Subsidiary must maintain a record of each document to which the common seal is affixed.

(4) The common seal shall be kept in the custody of the Managing Director or such other person as Subsidiary may from time to time decide.

(5) The Subsidiary may execute documents, other than by common seal, in accordance with such procedures as it determines.

## **6.10 Circumstances Not Provided For**

6.10.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chairperson may decide the action to be taken to ensure achievement of the objects of the Subsidiary and its effective administration.

6.10.2 The Chairperson shall report any such decision at the next Board meeting.

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**MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12            MOTIONS FOR CONSIDERATION AT THE NEXT MEETING**



**13 NEW BUSINESS OF AN URGENT NATURE**

### 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***

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**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 dash;*

(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 dash;*

(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 dash;*

(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*

<b>Council Decision:</b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	

**14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

<b><i>Council Decision:</i></b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
That the meeting be closed to members of the public to discuss confidential matters	
<b>CARRIED:</b>	

**14.1 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS**

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell  
DATE: 14 July 2023

***Matters for Consideration:***

To endorse the attached CEO performance review criteria.

<b><i>Council Decision:</i></b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
<b>CARRIED:</b>	

**2 THAT THE MEETING BE REOPENED TO MEMBERS OF THE PUBLIC**

<b><i>Council Decision:</i></b>	<b>Voting Requirement:</b> Simple Majority
<b>MOVED:</b>	<b>SECONDED:</b>
That the meeting be reopened to members of the public.	
<b>CARRIED:</b>	

**15 CLOSURE**