



**MINUTES
ORDINARY MEETING
OF COUNCIL**

20 FEBRUARY 2018

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 20 February 2018

commencing at **6:30pm**

in the Council Chambers, 73 Austin Street, Cue WA



Rob Madson
Chief Executive Officer
16 February 2018

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 4 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.

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 _____

Councillor’s Names	Councillor’s Signature
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on Tuesday 20 February 2018
commencing at 6:54pm

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1. OFFICIAL OPENING

The Shire President 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.

Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Liz Houghton

Councillor Fred Spindler

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

VISITORS:

Travis Bate, RSM Australia Pty Ltd

GALLERY:

Nikki Comrie

Jenni Dennis

Jefto Radovinovic

2. APOLOGIES AND LEAVE OF ABSENCE

Councillor Leonie Fitzpatrick

3. PUBLIC QUESTION TIME

Jeffo Radovinovic, 8 Price Street Cue distributed a copy of a document to each of the councillors.

Would the Shire table this document for discussion and list it on the Agenda for the next council meeting?

The President advised as the document was 5 pages long and no Councillor has the opportunity to consider it, he would refer the document to the Chief Executive Officer who may be able to respond to the document before the next Council meeting. The President also suggested Mr Davyd Hooper meet with the Chief Executive Officer to discuss the contents of this document. The Chief Executive Officer advised he could meet with Mr Hooper on Friday 23 February 2018.

4. PETITIONS/PRESENTATIONS/SUBMISSIONS

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 01022018

MOVED: CR SPINDLER

SECONDED: CR DENNIS

That the Minutes of the Ordinary Meeting of 19 December 2017 are confirmed as a true and correct record of the meeting.

CARRIED: 6/0

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.

Nil

7. MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS

Nil

8. REPORTS

8.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 16 February 2018

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 20 February as attached – see [Appendix 1](#)

Comments:

The list of accounts is for the months of December 2017 and January 2018.

Background:

The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented 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.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Officer’s Recommendation:

Voting requirement: Simple Majority

That Council endorse the payments for the period 1 December 2017 to 31 January 2018 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	5612 – 5826	\$ 731,689.75
Direct Debit Fund Transfer			\$ 57,706.03
Payroll			\$ 222,021.07
BPAY			\$ 25,136.54
Cheques			\$ -
Total			\$1,036,553.39

Council Decision: 02022018

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council endorse the payments for the period 1 December 2017 to 31 January 2018 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	5612 – 5826	\$ 731,689.75
Direct Debit Fund Transfer			\$ 57,706.03
Payroll			\$ 222,021.07
BPAY			\$ 25,136.54
Cheques			\$ -
Total			\$1,036,553.39

CARRIED: 6/0

8.2 FINANCIAL STATEMENTS

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	16 February 2018

Matters for consideration:

The Statements of Financial Activity for the periods 31st of December 2017 and 31st of January 2018 including the following reports:

- Statement of Financial Activity
- Significant Accounting Policies
- Graphical Representation – Source Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Major Variances
- Budget Amendments
- Receivables
- Grants and Contributions
- Cash Backed Reserve
- Capital Disposals and Acquisitions
- Trust Fund

see [Appendix 2](#)

Comments:

The Statements of Financial Activity is for the months of December 2017 and January 2018.

Background:

Under the *Local Government (Financial Management) Regulations 1996*, a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete 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.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

RSM Australia Pty Ltd

Officer's Recommendation:

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations 1996, for the periods ended 31 December 2017 and 31 January 2018.

Council Decision: 03022018

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR HOUGHTON

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations 1996, for the periods ended 31 December 2017 and 31 January 2018.

CARRIED 6/0

8.3 2017 - 2018 BUDGET REVIEW

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	14 February 2018

Matters for Consideration:

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2017 to 31 December 2017 as detailed in [Appendix 3](#).

Background:

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2018 for the period ending 31 December 2017 is presented for council to consider.

The *Local Government (Financial Management) Regulations 1996, regulation 33A*, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comments:

The budget review has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. Council adopted a 10% and a \$25,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

Statutory Environment:

Local Government (Financial Management) Regulations 1996

Regulation 33A

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*

- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Policy Implications:

The budget is based on the principles contained in the Strategic Community Plan and the Corporate Business Plan.

Financial Implications:

The proposed amendments are made with the intention of more accurately reflecting the predicted financial outcome for the 2017-2018 financial year.

Strategic Implications:

The Budget Review has been developed based on existing strategic planning documents adopted by council.

Consultation:

RSM Australia Pty Ltd
Rob Madson – Chief Executive Officer

Officer's Recommendation:

Voting requirement: Absolute Majority

That Council by absolute majority:

1. *Accept the budget review as presented in [Appendix 3](#) and;*
2. *Adopt the revised budget figures as budget amendments for the year ending 30 June 2018.*

Council Decision 04022018

Voting requirement: Absolute Majority

MOVED: CR DENNIS

SECONDED: CR PRICE

That Council by absolute majority:

1. *Accept the budget review as presented in **Appendix 3** with the following amendments:
 - a. *Reduce Nissan Prime Mover Daycab 2002 from \$70,000.00 to \$50,000.00*
 - b. *Increase Town Maintenance Van from \$15,000.00 to \$35,000.00**
- and;
2. *Adopt the revised budget figures as budget amendments for the year ending 30 June 2018.*

7.33pm Cr Spindler left the Chamber

7.36pm Cr Spindler returned to the Chamber

CARRIED: 6/0

8.4 2017 FINANCIAL MANAGEMENT SYSTEMS REVIEW

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 14 February 2018

Matters for Consideration:

Receiving of the Shire of Cue Financial Management Systems Review attached at [Appendix 4](#).

Background:

Section 5 of the *Local Government (Financial Management) Regulations 1996* requires the CEO to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government at least once every four years. The last review was conducted in April 2013 by RSM Bird Cameron. As part of the 2016-2017 audit, AMD Chartered Accountants were engaged to conduct a Financial Management Systems Review. This was undertaken with the interim audit conducted in April 2017.

Comments:

The review is intended to identify areas that require improvement and highlight any deficiencies in current practices to ensure that systems are strong, accountable and transparent

Management comments have been provided in the report in response to the items raised. Where necessary changes to practices have been implemented to address the recommendations.

Statutory Environment:

Local Government Act 1995

6.10. *Financial management regulations*

Regulations may provide for —

- (a) the security and banking of money received by a local government; and*
- (b) the keeping of financial records by a local government; and*
- (c) the management by a local government of its assets, liabilities and revenue; and*
- (d) the general management of, and the authorisation of payments out of —*
 - (i) the municipal fund; and*
 - (ii) the trust fund,*

of a local government.

Local Government (Financial Management) Regulations 1996

5. *CEO's duties as to financial management*

- (1) *Efficient systems and procedures are to be established by the CEO of a local government —*
 - (a) *for the proper collection of all money owing to the local government; and*
 - (b) *for the safe custody and security of all money collected or held by the local government; and*
 - (c) *for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and*
 - (d) *to ensure proper accounting for municipal or trust —*
 - (i) *revenue received or receivable; and*
 - (ii) *expenses paid or payable; and*
 - (iii) *assets and liabilities;**and*
 - (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
 - (f) *for the maintenance of payroll, stock control and costing records; and*
 - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to —*
 - (a) *ensure that the resources of the local government are effectively and efficiently managed; and*
 - (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
 - (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.*

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

Outcome 2.1.3 Maintain accountability and financial responsibility.

Consultation:

AMD Chartered Accountants
RSM Australia Pty Ltd
Rob Madson – Chief Executive Officer

Officer's Recommendation:

Voting requirement: Simple Majority

That Council receive the 2017 Financial Management Systems Review report attached at [Appendix 4](#).

Council Decision: 05022018

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR SPINDLER

That Council receive the 2017 Financial Management Systems Review report attached at [Appendix 4](#).

CARRIED: 6/0

8.5 COMPLIANCE AUDIT RETURN 2017

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 14 February 2018

Matters for Consideration:

Endorsement of the Compliance Audit Return 2017 as per [Appendix 5](#).

Background:

Each year a Local Government is required to complete a compliance audit return for the period 1 January to 31 December. Regulations require that the compliance audit return is reviewed by the audit committee prior to adoption by Council. Once adopted by Council a certified copy of the return along with a copy of the relevant section of the minutes and any additional information explaining or qualifying the return is to be submitted to the Executive Director, Department of Local Government and Communities by 31 March following the period to which the return relates.

Comments:

The Compliance Audit Return for the period 1 January 2017 to 31 December 2017 has been prepared by the Shire of Cue administration. The Return provides an internal control to assess statutory compliance and covers areas such as disclosure of interest, official conduct, tenders for providing goods and services, delegation of power and duties and appointment of senior employees.

Statutory Environment:

Local Government Act 1995, Section 7.13(1)(i).
Local Government (Audit) Regulations 1996:
Regulation 14 – Compliance audit return to be prepared.
Regulation 15 – Completion of compliance audit return.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027
Outcome 2.1.3 Maintain accountability and financial responsibility

Consultation:

Rob Madson – Chief Executive Officer

Officer's Recommendation: **Voting requirement: Absolute Majority**

That Council, by absolute majority;

1. Accept the Audit Committee's recommendation to Council that Council adopt the 2017 Compliance Audit Return.
2. Adopt the 2017 Compliance Audit Report as presented in [Appendix 5](#).

Council Decision: 06022018

Voting requirement: Absolute Majority

MOVED: CR HOUGHTON

SECONDED: CR HOGBEN

That Council, by absolute majority;

1. Accept the Audit Committee's recommendation to Council that Council adopt the 2017 Compliance Audit Return.
2. Adopt the 2017 Compliance Audit Report as presented in [Appendix 5](#).

CARRIED: 6/0

8.6 AUTHORISATION OF APPLICATION OF COMMON SEAL TO LAND TRANSFER

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson – Chief Executive Officer
DATE: 12 February 2018

Matters for Consideration:

Authorisation of the application of the common seal to a transfer of land from Jennifer Jennings to Shire of Cue.

Background:

At the Ordinary Council Meeting 21 June 2016, Council decision 08062016, the Chief Executive Officer was given authorisation to accept the offer by Jennifer Jennings of the lot situated at Lot 311, 16 Chesson Street, Cue as payment for outstanding rates accrued and write off the rates owing.

Comments:

This matter has taken longer than anticipated because it was a deceased estate and locating necessary documents proved to be a lengthy process.

CS Legal have prepared a land transfer on behalf of Jennifer Jennings to transfer Lot 311, 16 Chesson Street Cue to the Shire for consideration of \$7,000.00.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 9.49A

9.49A Execution of documents

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

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

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

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

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

(a) the mayor or president; and

(b) the chief executive officer or a senior employee authorised by the chief

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

Policy Implications:

Nil

Financial Implications:

The consideration of \$7,000.00 will be used for payment of outstanding rates on Settlement.

Strategic Implications:

Nil

Consultation:

Nil

Officer's Recommendation: **Voting requirement: Simple Majority**

That Council authorise the Shire President and Chief Executive Officer to sign and apply the common seal to a transfer of land between Jennifer Jennings and the Shire of Cue in relation to Lot 311, 16 Chesson Street Cue.

Council Decision 07022018

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council authorise the Shire President and Chief Executive Officer to sign and apply the common seal to a transfer of land between Jennifer Jennings and the Shire of Cue in relation to Lot 311, 16 Chesson Street Cue.

CARRIED: 6/0

8.7 OUTSTANDING PAYMENT OF RATES (LAND ACQUISITION)

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	None
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	10 January 2018

Matters for Consideration:

Sale of Land – recovery of rates in arrears for a period of three (3) or more years.

Background:

There are currently 7 properties that have been identified as deceased persons who did not leave a will or had no relatives put a claim to them.

In each instance, a written notification has been directed to the last known postal address of the ratepayers and the property advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance. The following is a list of those properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date.

Ref	Property	Details	Total Outstanding
A9405	109 (L420) Austin Street, Cue Wilhelmina Moebus	Vacant Land - Deceased Estate no current address for Estate or relatives	\$8,300.54
A9409	44 (L239) Kinsella Street, Cue Paul Spencer	Vacant Land - Deceased Estate no current address for Estate or relatives	\$8,645.02
A9404	L66 Boyd Street, Reedy Agnes O'Brien	Vacant Land - Deceased Estate no current address for Estate or relatives	\$8,094.60
A4941	6 (L290) Dowley Street, Cue Alfred Quacker	Vacant Land - Deceased Estate no current address for Estate or relatives	\$9,215.18
A9019	27 (L2) Robinson Street, Cue Thomas John Edwards	Vacant Land - Deceased Estate no current address for Estate or relatives	\$7,913.31
A9308	41 (L417) Wittenoom Street, Cue Edward Ernest Clarkson	Vacant Land - Deceased Estate no current address for Estate or relatives	\$10,312.93
A9307	52A (L4) Stewart Street, Cue William John Heydon	Vacant Land - Deceased Estate no current address for Estate or relatives	\$11,012.12

It is proposed that A9405, A9409 and A9404 be re-vested in the Crown and the rates be written off. The remainder assessments A4941, A9019, A9308 and A9307 be offered for sale at a public auction to recover outstanding rates. If after 12 months from the auction date no contract of sale has been entered into then the Shire can apply to have the land transferred to itself and then write off the rates.

Comments:

This is a continuation of proceedings associated with Council Decision 160715 – 8.17 Outstanding Payment of Rates (Land Acquisition) and 180417 – 8.4 Outstanding Rates

Statutory Environment:

Part 6, Division 6, sections 6.63 to 6.75 and Schedules 6.2 and 6.3 of the *Local Government Act 1995* (the Act) and Part 5 of the *Local Government (Financial Management) Regulations 1996* (FMR) regulations 72 to 78 and Forms 2 to 7.

Policy Implications:

D.1 Debt Recovery – 2.2 Recovery of Rates Arrears

Financial Implications:

Loss of rates revenue of \$25,040.16 in outstanding rates and other charges for properties re-vested to the Crown. \$38,453.54 to be recovered as well as the recovery of un-presented legal fees related to the sale of the properties offered for Auction. Costs of approximately \$1,000.00 per lot associated with the auction should be covered if a reasonable reserve price is set and met either via auction or private sale.

Strategic Implications:

Nil

Consultation:

CS Legal
Rob Madson – Chief Executive Officer

Officer's Recommendation:

Voting requirement: Absolute Majority

That Council:

1. *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 6 Dowley Street, 27 Robinson Street, 41 Wittenoom Street and 52A Stewart St all of Cue.*
2. *Exercise the power to re-vest the land to the Crown under section 6.74 (1) of the Local Government Act 1995 for the property located at 109 Austin Street and 44 Kinsella Street, in Cue and L66 Boyd Street, Reedy.*
3. *Should the public auction be unsuccessful then move to sell the property via private sale.*
4. *Any amount in excess of that required to clear the legal costs and rates be applied to other costs associated with the original claim.*
5. *In the case that the sale amount is insufficient to cover the rates arrears and legal costs that the amount in excess of the rates arrears and legal costs be written off.*
6. *Authorise the CEO to finalise this transaction.*

Council Decision: 08022018

Voting requirement: Absolute Majority

MOVED: CR SPINDLER

SECONDED: CR PRICE

That Council:

1. *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 6 Dowley Street, 27 Robinson Street, 41 Wittenoom Street and 52A Stewart St all of Cue.*
2. *Exercise the power to re-vest the land to the Crown under section 6.74 (1) of the Local Government Act 1995 for the property located at 109 Austin Street and 44 Kinsella Street, in Cue and L66 Boyd Street, Reedy.*
3. *Should the public auction be unsuccessful then move to sell the property via private sale.*
4. *Any amount in excess of that required to clear the legal costs and rates be applied to other costs associated with the original claim.*
5. *In the case that the sale amount is insufficient to cover the rates arrears and legal costs that the amount in excess of the rates arrears and legal costs be written off.*
6. *Authorise the CEO to finalise this transaction.*

CARRIED: 6/0

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at: 7.54pm

To be confirmed at Ordinary Meeting on the 20 March 2018

Signed:.....

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