



**MINUTES
ORDINARY MEETING
OF COUNCIL**

DATE 19 FEBRUARY 2019

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 19 FEBRUARY 2019

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue



Rob Madson
Chief Executive Officer
15 February 2019

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
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 19 February 2019 commencing at 6:30pm

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1. DECLARATION OF OPENING

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 Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

VISITOR:

Mr Travis Bate, RSM Australia Pty Ltd

GALLERY:

Ms Catherine Willett (arrived at 6.55pm)

Mrs Jenni Dennis (arrived at 6.55pm)

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr Leonie Fitzpatrick

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision:01022019

Voting Requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR SPINDLER

That the Minutes of the Ordinary Meeting of 18 December 2018 are confirmed as a true and correct record of the meeting with the following amendments -

Item 10.3 page 21 – delete 7/1 and replace with 6/1

Item 14.2 page 27 – insert council decision number 11122018

CARRIED: 6/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 14 February 2019

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 19 February attached – see [Appendix 1](#).

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.

Comments:

The list of accounts is for the month of December 2018 and January 2019.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Nil.

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Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council endorse the payments for the period 1 December 2018 to 31 January 2019 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	6835 – 7015	\$ 978,038.30
Direct Debit Fund Transfer			\$ 61,203.56
Payroll			\$ 209,145.35
BPAY			\$ 23,919.48
Cheques			\$ -
Total			\$1,272,306.69

Council Decision:02022019

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council endorse the payments for the period 1 December 2018 to 31 January 2019 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	6835 – 7015	\$ 978,038.30
Direct Debit Fund Transfer			\$ 61,203.56
Payroll			\$ 209,145.35
BPAY			\$ 23,919.48
Cheques			\$ -
Total			\$1,272,306.69

CARRIED: 6/0

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 14 February 2019

Matters for Consideration:

The Statement of Financial Activity for the period ended 31 December 2018 and 31 January 2019 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](#).

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.

Comments:

The Statement of Financial Activity is for the month of December 2018 and January 2019.

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:

Voting Requirement: Simple Majority

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended 31 December 2018 and 31 January 2019 as presented at [Appendix 2](#).

Council Decision:03022019

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR DENNIS

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended 31 December 2018 and 31 January 2019 as presented at [Appendix 2](#).

CARRIED: 6/0

10.3 COMPLIANCE AUDIT RETURN 2018

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 14 February 2019

Matters for Consideration:

Endorsement of the Compliance Audit Return 2018 as per [Appendix 3](#).

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 2018 to 31 December 2018 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).

7.13. Regulations as to audits

- (1) Regulations may make provision —*
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*
 - (i) of a financial nature or not; or*
 - (ii) under this Act or another written law.*

Local Government (Audit) Regulations 1996:

14. *Compliance audits by local governments*

(1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

(2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

(3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

(3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —*

(a) *presented to the council at a meeting of the council; and*

(b) *adopted by the council; and*

(c) *recorded in the minutes of the meeting at which it is adopted.*

15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*

(1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*

(a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*

(b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*

(2) *In this regulation —*

certified in relation to a compliance audit return means signed by —

(a) *the mayor or president; and*

(b) *the CEO.*

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 2018 Compliance Audit Return.
2. Adopt the 2018 Compliance Audit Report as presented in [Appendix 3](#).

Council Decision:04022019

Voting requirement: Absolute Majority

MOVED: CR DENNIS

SECONDED: CR HOUGHTON

That Council, by absolute majority;

1. Accept the Audit Committee's recommendation to Council that Council adopt the 2018 Compliance Audit Return.
2. Adopt the 2018 Compliance Audit Report as presented in [Appendix 3](#).

CARRIED: 6/0

10.4 2018 – 2019 BUDGET REVIEW

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 14 February 2019

Matters for Consideration:

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2018 to 31 December 2018 as detailed in [Appendix 4](#).

Background:

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2019 for the period ending 31 December 2018 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*

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(c) *review the outcomes for the end of that financial year that are forecast in the budget.*

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 2018-2019 financial year.

Strategic Implications:

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

Consultation:

Travis Bate - 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 4](#).
and;
2. Adopt the revised budget figures as budget amendments for the year ending 30 June 2019.

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Jenni Dennis left the chambers at 7.18pm

Council Decision:05022019

Voting requirement: Absolute Majority

MOVED: CR HOGBEN

SECONDED: CR DENNIS

That Council by absolute majority:

1. Accept the budget review as presented in [Appendix 4](#).
and;
2. Adopt the revised budget figures as budget amendments for the year ending 30 June 2019.

CARRIED: 6/0

10.5 2019 LOCAL GOVERNMENT ELECTION

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 14 February 2019

Matters for Consideration:

To engage the Western Australian Electoral Commission to carry out the October 2019 election and determine the method of election.

Background:

In October 2019 the bi-annual election cycle for elected members falls due. At this election, the Shire of Cue will have four Councillor positions become vacant, with terms expiring for Councillors Ross Pigdon, Les Price, Ron Hogben and Leonie Fitzpatrick.

Comments:

While Local Government elections may be conducted in-house, it has been the practice of the Shire of Cue in recent times for elections to be conducted by the WA Electoral Commissioner. This ensures that there can be no question of the independence of the process.

An in person election conducted in Cue would tend to limit the number of electors able to vote, it is therefore recommended that the election be conducted as a postal election.

Statutory Environment:

Local Government Act 1995 - Section 4.20

4.20 . CEO to be returning officer unless other arrangements made

(1) Subject to this section the CEO is the returning officer of a local government

(2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint a person other than the CEO to be the returning officer of the local government for —*

(a) an election; or

(b) all elections held while the appointment of the person subsists.

** Absolute majority required.*

(3) An appointment under subsection (2) —

(a) is to specify the term of the person's appointment; and

(b) has no effect if it is made after the 80th day before an election day.

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

Local Government Act 1995 - Section 4.61

4.61 Choice of methods of conducting election

(1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide to conduct the election as a postal election.*

** Absolute majority required.*

(3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

(5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.

(6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.

(7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

Policy Implications:

Nil.

Financial Implications:

An estimate of \$11,500 has been provided for the conduct of a postal election by the WA Electoral Commission. The 2019/2020 budget will contain an allocation of \$23,000 for election expenses to allow for the annual and one potential extraordinary election.

Strategic Implications:

Nil.

Consultation:

Nil.

Officer's Recommendation:

Voting Requirement: Absolute Majority

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2019 ordinary election together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Council Decision:06022019

Voting requirement: Absolute Majority

MOVED: CR SPINDLER

SECONDED: CR HOUGHTON

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2019 ordinary election together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

CARRIED: 6/0

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11. MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13. NEW BUSINESS OF AN URGENT NATURE

Nil

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.26pm

To be confirmed at Ordinary Meeting on the 19 March 2019

Signed:.....

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