



Minutes
ORDINARY MEETING
OF COUNCIL

17TH NOVEMBER 2020

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

To be held in the Council Chambers, 73 Austin Street Cue on
Tuesday 17 November 2020 commencing at 6:30pm

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DECLARATION OF opening

The meeting was opened at 6.31pm

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 entered, 6.53pm

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Ms Tracy Bachraty, Executive Assistant

Mr Glenn Boyes, Manager Finance entered, 6.45pm

GALLERY:

Nil

1. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 01112020

Voting Requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR DENNIS

That the Minutes of the Ordinary Meeting 20 October 2020 are confirmed as a true and correct record of the meeting.

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: 11 November 2020

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 17 November 2020 as 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 October 2020.

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 October to 31 October 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	8882 - 9021	\$1,564,744.75
Direct Debit Fund Transfer			\$ 34,153.87
Payroll			\$ 99,892.99
BPAY			\$ 22,057.83
Cheques			\$ 0.00
Total			\$1,720,849.44

Council Decision: 02112020

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR PRICE

That Council endorse the payments for the period 1 October to 31 October 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	8882 - 9021	\$1,564,744.75
Direct Debit Fund Transfer			\$ 34,153.87
Payroll			\$ 99,892.99
BPAY			\$ 22,057.83
Cheques			\$ 0.00
Total			\$1,720,849.44

CARRIED: 5/1

AGAINST: CR HOUGHTON

CR HOUGBEN, entered the room 6.53pm

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 12 November 2020

Matters for Consideration:

The Statement of Financial Activity for the period ended 31 October 2020 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 October 2020.

Budget figures used in the Statement of Financial Activity are applied from the budget presented to council for adoption at item 10.4 of this agenda.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

RSM Australia Pty Ltd.

Glenn Boyes – Manager Finance

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 period ended 31 October 2020, as presented at [Appendix 2](#).

Council Decision: 03112020

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR PRICE

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 October 2020, as presented at Appendix 2.

CARRIED: 5/2

AGAINST: CR HOUGHTON, CR FITZPATRICK

10.3 PURCHASE OF LAND 14 PATTERSON STREET CUE

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 11 November 2020

Matters for Consideration:

For Council to consider Purchasing the vacant residential block, Lot 407, 14 Patterson St Cue as payment for rates.

Background:

Lot 407, 14 Patterson Street Cue is owned by the Estate of Flora Mary Brega and currently in the hands of The Public Trustee. This Lot has not been rated in the past, but is a rateable property and subject to back rating for the past five years. Minimum rates in Cue are currently set at \$451.00 plus the Emergency Services Levy. This amounts to \$3,230.00.

The Public Trustee in correspondence with the Shire of Cue have asked if the Shire would like to purchase the property or know of anyone that would like to purchase the property. In response I have offered that the Shire purchase the property for \$1.00, subject to Council approval and that there are no other charges against the land.

Comments:

Market conditions in Cue show the sale of vacant land ranging from \$2,000 to \$10,000. If Council approve the recommendation to purchase the property they can include this in an upcoming auction for the sale of properties for the recovery of rates, or utilise the land for its own purposes.

A map showing the location of the property is attached at [Appendix 3](#).

Statutory Environment:

Local Government Act 1995, Section 6.49.

Agreement as to payment of rates and service charges

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.

Policy Implications:

Shire of Cue Policy Manual
D1 – Debt Recovery, 2.2 Recovery of Rate Arrears.

Financial Implications:

The property has not been rated, but is a rateable property. Rates owing on the property are calculated at \$3,230.00. There do not appear to be any services on the property which would indicate that there are no other charges against the land.

The Public Trustee have indicated that they will pay the costs relating to the preparation and lodgement of the land transfer documents from the estate name to the Shire of Cue.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Ross Pickering – Public Trustee

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

That Council:

Authorise the Chief Executive Officer to enter into an offer and acceptance with the Public Trustee to purchase Lot 407, 14 Patterson Street Cue, for \$1.00 as consideration for rates outstanding on the Lot. Subject to there being no other charges against the land.

and

Authorise the Shire President and Chief Executive Officer to finalise the transaction and apply the common seal if required.

Council Decision: 04112020

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR PRICE

That Council:

Authorise the Chief Executive Officer to enter into an offer and acceptance with the Public Trustee to purchase Lot 407, 14 Patterson Street Cue, for \$1.00 as consideration for rates outstanding on the Lot. Subject to there being no other charges against the land.

and

Authorise the Shire President and Chief Executive Officer to finalise the transaction and apply the common seal if required.

CARRIED: 7/0

10.4 POLICY FOR ATTENDANCE AT EVENTS

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 12 November 2020

Matters for Consideration:

For Council to consider the adoption of a new policy, F8 - Attendance at Events, that deals with matters relating to the attendance of Council members and the CEO at events. The policy has been developed in accordance with section 5.90A of the *Local Government Act 1995*.

Background:

Section 5.90A of the Local Government Act requires that local governments have an attendance at events policy. The purpose of the policy is for Council to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The guidelines from the Department of Local Government, Sport and Cultural Industries (DLGSC) states that ultimately, it is the decision of the council as to what is contained within the policy and this will vary between local governments. In developing the policy, there are a number of matters which need to be considered. Principally, the council needs to consider what is the benefit to the community or local government in having members of council or the CEO attend the event. The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before Council from the provider of the invitation.

Comments:

Policy F8 - Attendance at Events as presented at [Appendix 4](#), has been developed for Council's consideration. The policy has been developed based on the Department of Local Government template, and includes:

- Identification of entities where disclosure of interest of invitations or gifts is not required by Council Members and the CEO;
- Provision of tickets to events;
- Approval of attendance; and
- Payments in respect of attendance.

Statutory Environment:

Local Government Act 1995, Division 6A — Attendance at events, Section 5.90A.

Policy for attendance at events

- (1) *In this section —*
event *includes the following —*
 - (a) *a concert;*
 - (b) *a conference;*
 - (c) *a function;*
 - (d) *a sporting event;*
 - (e) *an occasion of a kind prescribed for the purposes of this definition.*
- (2) *A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
 - (a) *the provision of tickets to events; and*
 - (b) *payments in respect of attendance; and*
 - (c) *approval of attendance by the local government and criteria for approval; and*
 - (d) *any prescribed matter.*

** Absolute majority required.*
- (3) *A local government may amend* the policy.*
** Absolute majority required.*
- (4) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (5) *The CEO must publish an up-to-date version of the policy on the local government’s official website.*

Policy Implications:

Shire of Cue Policy Manual

Financial Implications:

Nil

Strategic Implications:

Shire of Cue – Strategic Community Plan 2017-2027

Outcome 2.1 – A strategically focused and unified Council functioning efficiently.

Strategy 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 adopts policy F.8 – Attendance at Events as presented at [Appendix 4](#).

Council Decision: 05112020

Voting requirement: Absolute Majority

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That Council, by absolute majority adopts policy F.8 – Attendance at Events as presented at *Appendix 4*.

CARRIED: 5/2

AGAINST: CR SPINDLER, CR HOUGHTON

10.5 POLICY FOR CONTINUING PROFESSIONAL DEVELOPMENT

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 12 November 2020

Matters for Consideration:

For Council to consider the adoption of a new policy – F9 Councillor Training and Continuing Professional Development. The policy has been developed in accordance with section 5.128 of the *Local Government Act 1995*.

Background:

On 27 June 2019, changes to the Local Government Act 1995 were passed by Parliament which require all council members to undertake training within the first 12 months of being elected. Included in the changes, each council is now required to prepare and adopt a policy, by Absolute Majority, covering the continuing professional development of its council members. The policy is to be published on the local government's website.

Universal training has been introduced to recognise that Council Members have a unique and challenging role. The reform is the key to providing council members with the skills and knowledge to perform their role as leaders in the district.

Comments:

Guidelines from the Department of Local Government, Sport & Cultural Industries (DLGSC) states that the content of the policy is to be determined by Council, however should include developmental opportunities for each councillor and a statement for the extent of payment by the local government. Policy F.9 Councillor Training and Continuing Professional Development as presented at [Appendix 5](#) has been developed for Council's consideration. The policy includes:

- Prescribed training requirements in accordance with Part 10 of the Local Government (Administration) Regulations 1996;
- Continuing professional development opportunities;
- Procedures for approval of professional development and travel arrangements.
- Reporting and publishing on training in accordance with section 5.127 of the Local Government Act 1995

Statutory Environment:

Local Government Act 1995, Division 10 — Training and development

5.126. *Training for council members*

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
 - (a) *prescribe a course of training; and*
 - (b) *prescribe the period within which training must be completed; and*
 - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
 - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

5.127. *Report on training*

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government’s official website within 1 month after the end of the financial year to which the report relates.*

5.128. *Policy for continuing professional development*

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*
* *Absolute majority required.*
- (2) *A local government may amend* the policy.*
* *Absolute majority required.*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government’s official website.*
- (5) *A local government —*
 - (a) *must review the policy after each ordinary election; and*
 - (b) *may review the policy at any other time.*

Local Government (Administration) Regulations 1996 - Part 10 — Training

35. *Training for council members (Act s. 5.126(1))*

- (1) *A council member completes training for the purposes of section 5.126(1) if the council member passes the course of training specified in subregulation (2) within the period specified in subregulation (3).*
 - (2) *The course of training is the course titled Council Member Essentials that —*
 - (a) *consists of the following modules —*
 - (i) *Understanding Local Government;*
 - (ii) *Serving on Council;*
 - (iii) *Meeting Procedures;*
 - (iv) *Conflicts of Interest;*
 - (v) *Understanding Financial Reports and Budgets;*
- and*

- (b) *is provided by any of the following bodies —*
 - (i) *North Metropolitan TAFE;*
 - (ii) *South Metropolitan TAFE;*
 - (iii) *WALGA.*
 - (3) *The period within which the course of training must be passed is the period of 12 months beginning on the day on which the council member is elected.*
36. *Exemption from Act s. 5.126(1) requirement*
- (1) *A council member is exempt from the requirement in section 5.126(1) if —*
 - (a) *the council member passed either of the following courses within the period of 5 years ending immediately before the day on which the council member is elected —*
 - (i) *the course of training specified in regulation 35(2);*
 - (ii) *the course titled 52756WA — Diploma of Local Government (Elected Member);*
 - or
 - (b) *the council member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.*
 - (2) *A person who is a council member on the day on which the Local Government Regulations Amendment (Induction and Training) Regulations 2019 regulation 8 comes into operation is exempt from the requirement in section 5.126(1) until the end of their term of office.*

Policy Implications:

Shire of Cue Policy Manual

Financial Implications:

An allocation is made in the Annual Budget to allow for the continuing professional development for Elected Members.

Strategic Implications:

Shire of Cue – Strategic Community Plan 2017-2027

Outcome 2.1 – A strategically focused and unified Council functioning efficiently

Strategy 2.1.1 – Continued professional development of Elected Members and Staff

Consultation:

Rob Madson – Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Absolute Majority

That Council, by absolute majority adopts policy F.9 – Councillor Training and Continuing Professional Development as presented at [Appendix 5](#).

Council Decision: 06112020

Voting requirement: Absolute Majority

MOVED: CR FITZPATRICK

SECONDED: CR DENNIS

That Council, by absolute majority adopts policy F.9 – Councillor Training and Continuing Professional Development as presented at *Appendix 5*.

CARRIED: 6/1

AGAINST: CR HOUGHTON

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 7.16pm

To be confirmed at Ordinary Meeting on the 15 December 2020.

Signed:.....

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