



**MINUTES
ORDINARY MEETING
OF COUNCIL**

16 FEBRUARY 2021

SHIRE OF CUE
Ordinary Council Meeting
AGENDA

To be held in the Council Chambers, 73 Austin Street Cue on
 Tuesday 16 February 2021 commencing at 6:30pm

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DECLARATION OF opening

The meeting was opened at 6.30 pm

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 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

Mrs Beth McCall, Customer Service Officer

GALLERY:

Harry Casey

Mitchell Mace

Allison Madson

Peter Tegg

Kelli Young

Jenni Dennis

1. APOLOGIES AND APPROVED LEAVE OF ABSENCE

NIL

3. DISCLOSURE OF MEMBERS' INTERESTS

NIL

4. PUBLIC QUESTION TIME

Peter Tegg, Dowley Street

Q1. Why is the agenda full of finance and not much else?

A1. (CEO) It is a legislative requirement that monthly statements of account and monthly financial reports are included in each Council meeting. The Chief Executive Officer has an extensive range of powers delegated by Council which reduces the requirement for actions to be referred to a Council meeting.

Q2. Why aren't copies of the corporate credit card statements included in the agenda?

A2. (CEO) Credit card expenditure is reported in monthly statements of accounts and allocations reported in the monthly financial statements. Source documents such as statements, invoices, receipts etc. are not public but can be made available to Councillors.

Q3. Why weren't compaction tests done for the house in Dowley St or the tourist park? Why are they raised and wider than the block?

A3. (CEO) Engineering compaction tests were completed. The houses are not wider than the lots they are on.

Q4. Is the CEO qualified to approve building applications?

A4. (CEO) Building plans are assessed by the Shire's Environmental Health/Building Officer and signed off on his recommendation.

Ms Kelli Young, Burt Place

Q1. Why was the planning application for my shed not included in tonight's agenda?

A1. (CEO) CEO advised he would investigate and advise.

5. CONFIRMATION OF MINUTES

Council Decision: 01022021 **Voting Requirement:** Simple Majority

MOVED: CR SPINDLER **SECONDED:** CR DENNIS

That the Minutes of the Ordinary Meeting 15 December 2020 are confirmed as a true and correct record of the meeting.

CARRIED: 5/2

AGAINST: Cr Fitzpatrick, Cr Houghton

Council Decision: 02022021 **Voting Requirement:** Simple Majority

MOVED: CR DENNIS **SECONDED:** CR SPINDLER

That the Minutes of the Special Meeting 27 January 2021 are confirmed as a true and correct record of the meeting.

CARRIED: 7/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Cr Pigdon asked councillors to stay after the meeting to hear Cr Price provide a summary of the MRVC meeting he attended.

10.

11. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 11 February 2021

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 16 February 2021 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 are for the months of December 2020 and January 2021.

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 to 31 December 2020 and 1 January 2021 to 31 January 2021 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

December 2020

Municipal Fund Bank	EFTs	9131 - 9223	\$ 822,068.64
Direct Debit Fund Transfer			\$ 43,446.52
Payroll			\$ 187,484.57
BPAY			\$ 21,685.50
Cheques	Chq	3408 - 3408	\$ 417.00
Total			\$1,075,102.23

January 2021

Municipal Fund Bank	EFTs	9224 - 9337	\$ 1,091,204.72
Direct Debit Fund Transfer			\$ 26,906.71
Payroll			\$ 110,982.61
BPAY			\$ 21,946.74
Cheques			\$ 0.00
Total			\$1,251,040.78

Council Decision: 03022021 **Voting requirement: Simple Majority**

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That Council endorse the payments for the period 1 December to 31 December 2020 and 1 January 2021 to 31 January 2021 as listed at Appendix 1, which have been made in accordance with delegated authority per LGA 1995 S5.42.

CARRIED: 6/1

AGAINST: Cr Houghton

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Glenn Boyes – Manager Finance
DATE: 11 February 2021

Matters for Consideration:

The Statements of Financial Activity are for the periods ended 31 December 2020 and 31 January 2021 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 Statements of Financial Activity are for the months of December 2020 and January 2021.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

RSM Australia Pty Ltd.

Richard Towell – Deputy Chief Executive Officer

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 2020 and 31 January 2021, as presented at [Appendix 2](#).

Council Decision: 04022021 **Voting requirement:** Simple Majority

MOVED: CR SPINDLER **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 2020 and 31 January 2021, as presented at Appendix 2.

CARRIED: 5/2

AGAINST: Cr Fitzpatrick, Cr Houghton

10.3 2021 LOCAL GOVERNMENT ELECTION

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson –Chief Executive Officer
 DATE: 12 January 2021

Matters for Consideration:

To engage the Western Australian Electoral Commission to carry out the October 2021 election and determine the method of election.

Background:

In October 2021, the bi-annual election cycle for elected members falls due. At this election, the Shire of Cue will have three Councillor positions become vacant, with terms expiring for Councillors Ian Dennis, Fred Spindler and Liz Houghton.

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 - SECT 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 - SECT 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 \$11,000 has been provided for the conduct of a postal election by the WA Electoral Commission. The 2021/2022 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 2021 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: 05022021

Voting requirement: Absolute Majority

MOVED: Cr Fitzpatrick

SECONDED: Cr Spindler

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 2021 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: 7/0

10.4 FEBRUARY 2021 LOCAL GOVERNMENT REFORMS

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson –Chief Executive Officer
 DATE: 11 February 2021

Matters for Consideration:

Action to fulfil certain obligations required by the introduction of new Local Government regulations to be completed by 24 February.

Background:

On 27 June 2019 the *Local Government Legislation Amendment Act 2019* was passed by Parliament. This Act addresses the following key areas:

- elected member training
- the treatment of gifts
- a new code of conduct
- changes to the Standards Panel
- best practice standards for CEO recruitment, performance review and early termination
- greater transparency through more information being made more easily accessible online.

The reforms that have already come into operation include:

- new gift framework
- universal training for council members
- online induction course for prospective local candidates
- changes to the Standards Panel
- greater transparency easier access to information (partly in place).

The following regulations were published in the WA Government Gazette on 2 February 2021 and took effect on 3 February 2021, implementing the remaining parts of the Amendment Act:

- *Local Government (Administration) Amendment Regulations 2021.*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.*
- *Local Government (Model Code of Conduct) Regulations 2021.*

The Department of Local Government has acknowledged that there will be an implementation phase of up to three months where local governments must undertake a series of actions to operationalise these regulatory amendments. Local governments are required to take specific initial actions within three weeks of the regulations taking effect (i.e. by 24 February 2021), these are dealt with by this item.

Comments:

The Model Code replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees.

The purpose of the Model Code is to guide decisions, actions and behaviours of council members, elected and unelected committee members, and candidates in local elections. The intent of the Model Code is that local governments will address behaviour through education rather than sanctions.

Section 5.104 of the Act requires that local governments adopt the Model Code as their Code of Conduct within three months of the Regulations coming into operation (i.e. by 3 May 2021).

In accordance with section 5.104(5), the Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

Until such time as a local government adopts a new Code of Conduct based on the Model Code of Conduct, the Model Code of Conduct applies. A copy of the Model Code is included with the agenda papers for Councillors' information. To begin implementation of the Model Code, as soon as practical (by 24 February 2021), local governments must:

- appoint a person to receive complaints by either affirming the current complaint officers or appoint a new or additional officer(s), and
- approve a form for complaints to be lodged.

The Shire's current Complaints Officer is the CEO. A complaint form has been prepared utilising the template provided by the department and is attached at [Appendix 3](#).

Statutory Environment:

Local Government (Model Code of Conduct) Regulations 2021.

11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

- (a) in writing in the form approved by the local government; and
- (b) to a person authorised under subclause (3); and
- (c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

Policy Implications:

The Shire’s current complaints policy relates to complaints of a general nature and does not deal specifically with complaints of breaches of the Code of Conduct.

Financial Implications:

Nil.

Strategic Implications:

The proposed action addresses the following objectives contained in the Shire’s Strategic Community Plan 2017-2027:

Leadership Objective

Outcome 2.1 A strategically focused and unified Council functioning efficiently

2.1.3 Maintain accountability and financial responsibility

Consultation:

Nil.

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council:

1. affirm the Chief Executive Officer as the person to receive complaints of breaches of the Code of Conduct, and
2. approve the form contained at [Appendix 3](#) for complaints to be lodged.

Council Decision: 06022021

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council:

1. affirm the Chief Executive Officer as the person to receive complaints of breaches of the Code of Conduct, and
2. approve the form contained at Appendix 3 for complaints to be lodged.

CARRIED: 7/0

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

Council Decision: 07022021

Voting requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR SPINDLER

That the meeting be closed to members of the public to discuss confidential matters.

CARRIED: 7/0

14.1 OFFER TO PURCHASE LOT 561 (6) PRICE STREET

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 11 February 2021

Matters for Consideration:

Offer to purchase Lot 561 (6) Price Street, Cue.

Mrs Beth McCall left the meeting at 7.33pm and re-entered at 7.35pm.

Council Decision: 08022021 **Voting requirement: Simple Majority**

MOVED: CR PRICE **SECONDED: CR DENNIS**

That Council agree to purchase Lot 561 (6) Price Street, Cue for the sum of \$100,000 and authorise the CEO to complete the necessary documentation to effect the purchase, including the application of the Common Seal if required.

LOST: 4/3

AGAINST: CR Hogben, Cr Fitzpatrick, Cr Spindler and Cr Houghton

Council Decision: 09022021 **Voting requirement: Simple Majority**

MOVED: CR FITZPATRICK **SECONDED: CR SPINDLER**

That the meeting be reopened to members of the public 7.41pm

CARRIED: 7/0

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.59pm.

To be confirmed at Ordinary Meeting on the 16 March 2021.

Signed:.....

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