



**MINUTES
ORDINARY MEETING
OF COUNCIL**

21 JUNE 2022

**SHIRE OF CUE
Ordinary Council Meeting
MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 21 June 2022 commencing at 6:30pm

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1. DECLARATION OF OPENING

The meeting was opened at 6.30pm

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* via Zoom

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Liz Houghton

Councillor Julie Humphreys

6.33pm Cr Price joined the meeting via Zoom

STAFF:

Mr Richard Towell, Chief Executive Officer

Mr Glenn Boyes, Deputy Chief Executive Officer* via Zoom

Ms Cheryl Walton, Manager Finance

Mrs Janelle Duncan, Executive Assistant

6.33pm Mr Glenn Boyes joined the meeting via Zoom

GALLERY:

Mr Mitchell Mace

Ms Sylvia Cavan

Mrs Jenni Dennis

Mr Martin King

1.1 ATTENDANCE BY ELECTRONIC COMMUNICATION CR PRICE

APPLICANT: Cr Les Price
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell –Chief Executive Officer
DATE: 21 June 2022

Matters for Consideration:

Attendance at Council meeting by electronic communication.

Background:

Cr Price has requested permission to attend the June Council meeting by electronic communication.

Comments:

Nil

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 5.25

5.25 *Regulations about council and committee meetings and committees*

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means; and*

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 - REG 14A

14A. *Attendance by telephone etc. (Act s. 5.25(1)(ba))*

- (1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*
- (a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
- (b) *the person is in a suitable place; and*
- (c) *the council has approved* of the arrangement.*

- (2) *A council cannot give approval under sub regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*
- (3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*
- (4) *In this regulation —*

disability has the meaning given in the ***Disability Services Act 1993 section 3***;

suitable place —

- (a) *in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and*
- (b) *in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —*
- (i) *in a townsite or other residential area; and*
- (ii) *150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;*

Policy Implications:

Nil

Financial Implications:

The cost of the communications call will be borne by the Shire. Cr Price will be entitled to receive a meeting attendance fee.

Strategic Implications:

Nil

Consultation:

Shire President – Cr Ross Pigdon

Officer's Recommendation:

Voting Requirement: Absolute Majority

1. *That Council approve a private office at 1 London Court, Canberra ACT, as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Price to attend this meeting by instantaneous communications.*

Council Decision:01062022

Voting Requirement: Absolute Majority

MOVED:CR HOGBEN

SECONDED:CR FITZPATRICK

1. *That Council approve a private office at 1 London Court, Canberra ACT, as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Price to attend this meeting by instantaneous communications.*

CARRIED:6/0

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision:02062022 **Voting Requirement:** Simple Majority

MOVED:CR HUMPHREYS

SECONDED: CR DENNIS

That the Minutes of the Ordinary Meeting 17 May 2022 are confirmed as a true and correct record of the meeting.

CARRIED:7/0

CR FITZPATRICK DID NOT ATTEND THE MEETING

Council Decision:03062022

Voting Requirement: Simple Majority

MOVED:CR FITZPATRICK

SECONDED:CR HUMPHREYS

That the Minutes of the Special Council Meeting 24 May 2022 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

The Presiding Member announced we have a matter going behind closed doors at 14.1

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Cheryl Walton – Manager Finance

DATE: 17 June 2022

Matters for Consideration:

To receive the List of Accounts Due and Submitted to the Ordinary Council Meeting on 21 June 2022 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 May 2022.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell, Chief Executive Officer

Glenn Boyes, Deputy Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council endorse the payments for the period 1 May to 31 May 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

May 2022

Municipal Fund Bank EFTs	10891 - 10948	\$	135,185.96
Direct Debit Fund Transfer	General	\$	41,537.86
Direct Debit Fund Transfer	Credit Card	\$	4,139.38
Payroll		\$	175,322.52
BPAY		\$	21,427.52
Cheques		\$	0.00
Total		\$	377,613.24

Council Decision:04062022

Voting Requirement: Simple Majority

MOVED:CR DENNIS

SECONDED:CR HOGBEN

That Council endorse the payments for the period 1 May to 31 May 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

May 2022

Municipal Fund Bank EFTs	10891 - 10948	\$	135,185.96
Direct Debit Fund Transfer	General	\$	41,537.86
Direct Debit Fund Transfer	Credit Card	\$	4,139.38
Payroll		\$	175,322.52
BPAY		\$	21,427.52
Cheques		\$	0.00
Total		\$	377,613.24

CARRIED:6/1

AGAINST: CR HOUGHTON

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Cheryl Walton – Manager Finance
DATE: 15 June 2022

Matters for Consideration:

The Statement of Financial Activity is for the period ending 31 May 2022 and includes the following reports:

- Graphical Representation – Source Statement of Financial Activity
- Statement of Financial Activity
- Major Variances
- Net Current Funding Position
- Cash and Investments
- Trust Fund
- Cash Backed Reserve
- Receivables
- Capital Disposals
- Borrowings
- Capital Acquisitions
- Rate Revenue
- Grants and Contributions

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 two months after the end of the month to which the statement relates. The Statement of Financial Activity presents an overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.

Comments:

The Statements of Financial Activity is for the month of May 2022.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell – Chief Executive Officer

Glenn Boyes – Deputy Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 31 May 2022, as presented at [Appendix 2](#).

Council Decision:05062022

Voting Requirement: Simple Majority

MOVED:CR HUMPHREYS

SECONDED:CR DENNIS

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 31 May 2022, as presented at [Appendix 2](#).

CARRIED:7/0

10.3 2022-2023 FEES AND CHARGES

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Glenn Boyes – Deputy Chief Executive Officer
 DATE: 11 June 2022

Matters for Consideration:

Adoption of the fees and charges for the Shire of Cue for the 2022-2023 financial year.

Background:

In accordance with section 6.16 of the *Local Government Act 1995*, fees and charges are adopted annually as part of the Council’s budget.

Comments:

The schedules of fees and charges proposed for the 2022-2023 financial year are included in [Appendix 3](#). Most of the fees and charges are proposed with no increase. A review of the costs of providing services has been conducted and increases have only been proposed where the cost is not being met by the fee charged.

Statutory Environment:

Local Government Act 1995 – Part 6, Division 5, Subdivision 2 – Fees and Charges.

11. 6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
 - (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) *supplying a service or carrying out work at the request of a person;*
 - (c) *subject to section 5.94, providing information from local government records;*
 - (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) *supplying goods;*
 - (f) *such other service as may be prescribed.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*

** Absolute majority required.*

12. 6.17. Setting level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) *the cost to the local government of providing the service or goods; and*
 - (b) *the importance of the service or goods to the community; and*
 - (c) *the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) *under section 5.96; or*
 - (b) *under section 6.16(2)(d); or*
 - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) *limit the amount of a fee or charge in prescribed circumstances.*

13. 6.18. Effect of other written laws

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
- (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

14. 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

Policy Implications:

Nil

Financial Implications:

Fees and charges revenue makes up approximately 10% of the Shires operating income and provides a means for the Shire to recover the costs of providing services on a user pay basis.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 - 2038

Outcome 2.1: A strategically focused and unified Council functioning efficiently

2.1.3: Maintain accountability and financial responsibility.

Consultation:

Richard Towell – Chief Executive Officer

John Curtin – Manager Works and Services

Officer’s Recommendation: **Voting Requirement:** Absolute Majority

That Council, by absolute majority;

adopts the schedule of fees and charges contained in [Appendix 3](#), effective from 01 July 2022, and incorporates these fees and charges into the 2022-2023 budget.

Council Decision:06062022 **Voting Requirement:** Absolute Majority

MOVED:CR HUMPHREYS **SECONDED:CR HOUGHTON**

That Council, by absolute majority;

adopts the schedule of fees and charges contained in [Appendix 3](#), effective from 01 July 2022, and incorporates these fees and charges into the 2022-2023 budget.

CARRIED:7/0

10.4 SMOKE FREE WORKPLACE POLICY

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Chief Executive Officer
DATE:	14 June 2022

Matters for Consideration:

Adoption of new Council Policy G23. Smoke Free Workplace.

Background:

The new *Work Health and Safety Act 2020* and updated *Work Health and Safety (General) Regulations 2022* enforce stronger protections to personnel against exposure to tobacco smoke in the workplace.

Comments:

The purpose of this policy is to ensure compliance with legislation and workplace health and safety requirements, to effectively manage a smoke-free workplace and to minimise risks associated with smoking and passive smoking in the workplace.

The adoption of a smoke free workplace policy provides clear guidelines to staff and visitors on non-smoking areas within the Shire of Cue workplace. This policy is aimed at supporting employees to adopt and promote healthy behaviours in the workplace, and to reduce harms and health inequalities associated with exposure to tobacco smoke. The policy demonstrates The Shire of Cue is committed to providing a healthy and safe workplace.

Statutory Environment:

Work Health and Safety Act 2020

Work Health and Safety (General) Regulations 2022

Division 7A — Protection from tobacco smoke

50D. Persons not to smoke in enclosed workplace

(1) An individual must not smoke in an enclosed workplace.

Penalty for this subregulation: a fine of \$7 000.

(2) A person conducting a business or undertaking at an enclosed workplace or a worker at the workplace must not allow an individual to smoke in the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of \$7 000;

(b) for a body corporate, a fine of \$35 000.

50E. Defence to r. 50D: smoking in private vehicle or residence

It is a defence to a charge of an offence under regulation 50D for the person charged to prove that —

(a) the enclosed workplace is —

(i) a vehicle supplied by the person; or

(ii) the person’s residence (not including, in the case of a worker, accommodation provided to the worker by the person conducting a business or undertaking);

and

(b) no other person is present —

(i) who, in the case of a person conducting a business or undertaking, is that person’s employee; or

(ii) who, in the case of a worker, is also a worker at the workplace.

50G. Certain persons to give notice of smoking restrictions

A person conducting a business or undertaking at, or a person with management or control of, an enclosed workplace, must ensure that notice is given or displayed to workers at the workplace to the effect that smoking is prohibited in the workplace.

Penalty:

(a) for an individual, a fine of \$4 200;

(b) for a body corporate, a fine of \$21 000.

50I. Exposure to secondhand smoke

A person conducting a business or undertaking at, or a person with management or control of, an enclosed workplace, must ensure, so far as is reasonably practicable, that persons at the workplace are not exposed to secondhand smoke or any other tobacco or nicotine by-product.

Penalty:

(a) for an individual, a fine of \$7 000;

(b) for a body corporate, a fine of \$35 000.

Policy Implications:

Shire of Cue Policy Manual

New Policy

G23. SMOKE FREE WORKPLACE

Objective

To ensure that staff are not adversely affected by smoking in the workplace.

Policy

The Shire of Cue workplace is a non-smoking area and applies to all persons including staff and visitors to the workplace. All buildings and Shire provided accommodation are declared smoke free and all staff and members of the public shall refrain from smoking therein.

All Shire owned vehicles (station sedans, utilities, trucks, plant etc.) are declared as smoke free and no personnel shall smoke or permit smoking in those vehicles whether alone or travelling with passengers.

Managers and supervisors are responsible for ensuring compliance with this smoke-free workplace policy for areas and personnel under their responsibility. All staff are responsible for ensuring visitors comply with this policy. Any staff member or visitor who is in breach of this policy will be requested to stop, and reminded of their responsibilities under this policy. Staff members who continue to breach this policy will be subject to disciplinary action. Visitors who refuse to comply with this policy will be asked to leave.

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

Shire of Cue Workforce Plan 2021 -2026

Consultation:

Glenn Boyes – Deputy Chief Executive Officer

Shire Staff

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

That Council adopt Policy G23. *Smoke Free Workplace* as attached at [Appendix 4](#)

Council Decision:07062022	Voting Requirement: Simple Majority
MOVED:CR HOUGHTON	SECONDED:CR DENNIS
That Council adopt Policy G23. <i>Smoke Free Workplace</i> as attached at Appendix 4	
CARRIED:7/0	

10.5 LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996 - REG 17

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Chief Executive Officer
DATE: 16 June 2022

Matters for Consideration:

To receive the attached report regarding risk management and internal controls to address the risks.

Background:

The Department of Local Government introduced regulation 17 into the *Local Government (Audit) Regulations 1996*. In order to satisfy this regulation the Shire is required to undertake a review of its systems and procedures not less than once in every 3 financial years.

The report provides an overview of key risks, controls and indicators to provide CEOs a simple insight to the appropriateness and effectiveness of risk management and internal controls that can be used to satisfy *Local Government (Audit) Regulations 1996 r.17*.

Regulation 16(c) requires the audit committee to report to Council the results of the review and provide Council a copy of the report.

Comments:

Civic Legal undertook the review of the Shire's systems and procedures in May 2020. The action under 5.1.2 suggests the Shire should develop a formalised Risk Management Framework. Therefore the Shire has prepared a Risk Management Plan that was adopted by Council at the ordinary meeting held in November 2021. The Civic Legal report can be found at [Appendix 5](#).

Statutory Environment:

Local Government (Audit) Regulations 1996 r.17

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

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
- (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*

(2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*

(3) *The CEO is to report to the audit committee the results of that review.*

Local Government (Audit) Regulations 1996 r.16(c)

An audit committee has the following functions —

(c) to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to —

(i) report to the council the results of that review; and

(ii) give a copy of the CEO’s report to the council

Policy Implications:

Nil

Financial Implications:

Future budget allocations

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 - 2038

Outcome 2.1.2 Continue to improve and review organisational plans

Outcome 2.1.3 Maintain accountability and financial responsibility

Consultation:

Glenn Boyes – Deputy Chief Executive Officer

Committee Decision:

Voting Requirement: Simple Majority

That Council receive the report of the review of systems and procedures required under Regulation 17 of the *Local Government (Audit) Regulations 1996*.

Committee Decision:08062022

Voting Requirement: Simple Majority

MOVED:CR FITZPATRICK

SECONDED:CR DENNIS

That Council receive the report of the review of systems and procedures required under Regulation 17 of the *Local Government (Audit) Regulations 1996*.

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:09062022	Voting Requirement: Simple Majority
MOVED: CR DENNIS	SECONDED: CR FITZPATRICK
That the meeting be closed to members of the public to discuss confidential matters.	
CARRIED:7/0	

7.07pm the meeting closed to the public

7.08pm Ms Cheryl Walton and Mrs Janelle Duncan left the chambers

14.1 CONFIDENTIAL ITEM – EMPLOYEE MATTER

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell –Chief Executive Officer

DATE: 21 June 2022

Matters for Consideration:

That Council endorse the recommendation as detailed within the confidential report.

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

That Council endorse the recommendation as detailed within the confidential report.

7.24pm Cr Hogben left the chambers

7.27pm Cr Hogben returned to the chambers

Council Decision:10062022 **Voting Requirement:** Simple Majority

MOVED: CR DENNIS **SECONDED: CR HOGBEN**

That Council endorse the recommendation as detailed within the confidential report.

CARRIED:7/0

Council Decision:11062022 **Voting Requirement:** Simple Majority

MOVED:CR HOUGHTON **SECONDED:CR HUMPHREYS**

That the meeting be reopened to members of the public.

CARRIED:7/0

7.30pm the meeting reopened to members of the public

15. CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.36pm.

To be confirmed at Ordinary Meeting on the 19 July 2022.

Signed:.....

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