



MINUTES

SPECIAL MEETING OF COUNCIL

19 OCTOBER 2021



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The Shire of Wagin advises that anyone who has any application lodged with the Shire of Wagin shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wagin in respect of the application.

Bill Atkinson
CHIEF EXECUTIVE OFFICER

GIFTS DISCLOSURE INFORMATION

The Gifts Register contains the disclosures of gifts that have been made by Elected Members, the Chief Executive Officer and Employees in their official capacity.

To adhere with the changes to gift disclosure regulations in the *Local Government Legislation Amendment Act 2019*, passed by Parliament on 27 June 2019, the Shire of Wagin provides gift disclosure information in the interests of accountability and transparency.

Elected Members and the Chief Executive Officer are required to disclose gifts which are valued over \$300 or are two or more gifts with a cumulative value over \$300 (where the gifts are received from the same donor in a 12 month period) within 10 days of receipt [Sections 5.87A & 5.87B *Local Government Act 1995*].

The Act and Regulations require the Chief Executive Officer to publish an up to date version of the Gifts Register on the Shire's website after a disclosure is made. To protect the privacy of individuals, the register published on the website does not include the address disclosed by an individual donor and will instead include the town or suburb.



SHIRE OF WAGIN

Minutes for the Special Meeting of Council held in the Council Chambers, Wagin on
Tuesday 19 October 2021 commencing at 5:02pm

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1. OFFICIAL OPENING

The Chief Executive Officer opened the meeting at 5:02pm.

2. DECLARATION OF PURPOSE OF MEETING

The purpose of this meeting is to

- Swearing in Councillors elect
- Election of President
- Election of Deputy President
- Appointment of Committees and Council representatives
- Councillor seating arrangements
- Adopt *Management of Bushfire Volunteers* policy

3. SWEARING IN OF COUNCILLORS

In accordance with the Local Government act 1995, s2.29(1) a person elected as a Councillor has to make a declaration before acting in office.

Regulation 13 of the Local Government (Constitution) Regulation 1998 prescribes the form of declaration. This is contained in Form 7 of those regulations and is to be made before a person authorised to take statutory declarations under the Oaths, Affidavits and Statutory declarations Act 2005.

The declaration as follows:

I, _____

Of, _____

having been elected to the office of Councillor of the Shire of Wagin, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

3.1 GREGORY ROBERT BALL

Councillor Gregory Ball made the following declaration of officer before Mr Williams Atkinson, Chief Executive Officer, who is approved witness to accept a statutory declaration.

3.2 BRYAN LESLIE KILPATRICK

Councillor Bryan Kilpatrick made the following declaration of officer before Mr Williams Atkinson, Chief Executive Officer, who is approved witness to accept a statutory declaration.

3.3 MURIEL ANN O'BRIEN

Councillor Ann O'Brien made the following declaration of officer before Mr Williams Atkinson, Chief Executive Officer, who is approved witness to accept a statutory declaration.



4. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

4.1 ATTENDANCE

Cr Phillip Blight
Cr Greg Ball
Cr Bryan Kilpatrick
Cr Sheryll Chilcott
Cr Bronwyn Hegarty
Cr Wade Longmuir
Cr Geoff West
Cr Ann O'Brien
Bill Atkinson
Brian Roderick
Emily Edwards

Chief Executive Officer
Deputy Chief Executive Officer
Executive Assistant

4.2 APOLOGIES

Allen Hicks

Manager of Works

4.3 VISITORS

Mr. Joe O'Brien
Mrs. Jane Kilpatrick

4. DISCLOSURE OF FINANCIAL AND OTHER INTERESTS

4.1 DISCLOSURE OF FINANCIAL INTEREST – Local Government Act Section 5.60a

Nil

4.2 DISCLOSURE OF PROXIMITY INTEREST – Local Government Act Section 5.6

Nil

4.3 DISCLOSURE OF IMPARTIALITY INTEREST – Administration Regulation Section 34c

Nil

5. ELECTION OF PRESIDENT & DEPUTY PRESIDENT

5.1 ELECTION OF PRESIDENT

The Chief Executive Officer will call for nominations for the office of President.

The President is to be elected by the Council from amongst the Councillors.



Nominations for the position of President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

At the time of the agenda preparation, no nominations for President were received.

Council members are to vote on the matter by secret ballots as if they were voting at an election. The Chief Executive Officer is to declare the result and the elected President is to make a declaration pursuant to Regulation 13(3) of the Local Government (Constitution) Regulations 1998.

NOMINATIONS

One nomination was received for position of President and was received in writing by the Chief Executive Officer. The Chief Executive Officer called for further nominations and allowed sufficient time for further nominations. No further nominations were received at the meeting.

The Chief Executive Officer declared Councillor Cr Phillip Blight duly elected as President of the Shire of Wagin, term expiry October 2023.

Councillor Phillip Blight made the following declaration of officer before Mr William Atkinson, Chief Executive Officer, who is approved witness to accept a statutory declaration.

OATHS, AFFIRMATIONS AND DECLARATIONS (S. 2.29, 2.42)

A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.

The declaration of elected President:

I, _____

Of, _____

having been elected to the office of President of the Shire of Wagin, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

The Chief Executive Officer to hand the meeting over to the newly elected President.

5.2 ELECTION OF DEPUTY PRESIDENT

The President to call for nominations for the office of Deputy President.

The Deputy President is to be elected by the Council (including the President) from amongst the Councillors.

Nominations for the position of Deputy President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. If a Councillor is nominated by another



Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, verbally or in writing, that he or she is willing to be nominated.

Council members are to vote on the matter by secret ballots as if they were voting at an election. The Chief Executive Officer is to declare the result and the elected Deputy President is to make a declaration pursuant to Regulation 13(3) of the Local Government (Constitution) Regulations 1998.

NOMINATIONS

One nomination was received for position of Deputy President and was received in writing by the Chief Executive Officer. The President called for further nominations and allowed sufficient time for further nominations.

- *Cr G K B West nominated Cr B L Kilpatrick for Deputy President. Cr B L Kilpatrick thanked Cr West but declined the nomination.*

Two further nominations were received at the meeting.

- *Cr G K B West nominated Cr G R Ball for Deputy President. Cr G R Ball accepted the nomination.*
- *Cr M A O'Brien nominated Cr S M Chilcott for Deputy President. Cr S M Chilcott accepted the nomination.*

Secret Ballot for the position of Deputy President was conducted and after counting the votes, the President declared Councillor Gregory Ball duly elected as Deputy President of the Shire of Wagin, term expiry October 2023.

Councillor Gregory Ball made the following declaration of officer before Mr William Atkinson, Chief Executive Officer, who is approved witness to accept a statutory declaration.

OATHS, AFFIRMATIONS AND DECLARATIONS (S. 2.29, 2.42)

A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.

The declaration of elected Deputy President:

I, _____

Of, _____

having been elected to the office of Deputy President of the Shire of Wagin, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.



5.3 ALLOCATION OF SEATING ARRANGEMENT

It has been past practice at the first meeting held after each ordinary elections day, for the CEO to allot by random draw, a position at the Council table to each councillor and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

An alternative is allocate seating to accommodate those Councillors who want to be closer to the top table to better hear proceedings.

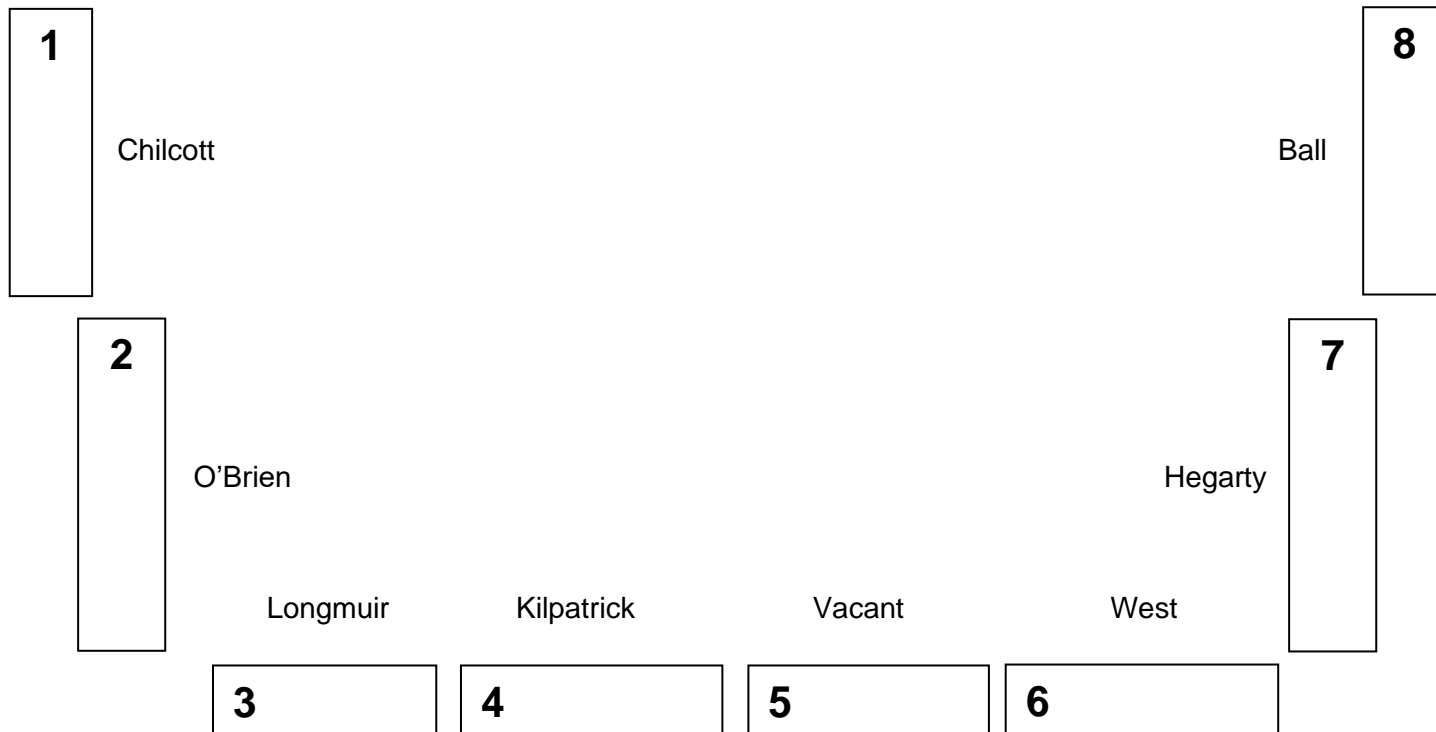


SEATING POSITION

OCTOBER 2021-2023

Executive Assistant (Minute Taker)	Manager of Works	President	Chief Executive Officer	Deputy Chief Executive Officer	Manager of Finance
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Blight





5.4 APPOINTMENT OF COUNCILLORS TO VARIOUS COMMITTEES

AUTHOR OF REPORT:	Executive Officer
SENIOR OFFICER:	Chief Executive Officer
DATE OF REPORT:	12 October 2021
PREVIOUS REPORT(S):	Nil
DISCLOSURE OF INTEREST:	Nil
FILE REFERENCE:	CM.PO.1
ATTACHMENTS:	<ul style="list-style-type: none">• Committee Delegates 2021-2023• Committee Manual 2021-2023

OFFICER RECOMMENDATION 1/4646 COUNCIL RESOLUTION

Moved Cr G R Ball

Seconded Cr S M Chilcott

That Council appoint the following elected members to these eight 'Committees of Council', which are to attract sitting fees, additional to Ordinary Council Meeting and Special Council Meeting, for these committees only.

Audit Committee

- Cr Blight
- Cr Ball
- Cr Hegarty
- Cr Chilcott

Bushfire Advisory Committee

- Cr Blight
- Cr Kilpatrick (Proxy)

CEO Review Committee

- Cr Blight
- Cr Ball
- Cr Chilcott
- Cr Hegarty

Finance and General-Purpose Committee

- Cr Blight
- Cr Ball
- Cr Hegarty
- Cr Kilpatrick

Local Emergency Management Committee

- Cr Blight (President)
- Cr Kilpatrick (Proxy)

Sportsground Advisory/Recreation Centre Management Committee

- Cr Chilcott
- Cr Longmuir

Sportsground Precinct Redevelopment Committee

- Cr Blight
- Cr Longmuir

Works and Services Committee

- Cr Ball
- Cr West
- Cr Longmuir
- Cr Kilpatrick

Carried 8/0

OFFICER RECOMMENDATION 2/4647 COUNCIL RESOLUTION

Moved Cr B S Hegarty

Seconded Cr W J Longmuir

That Council appoint the following elected members to the below working groups/external committees as Council representatives:

4WDL VROC

- Cr Blight
- Cr Hegarty

Civic Awards Committee

- Cr Blight (President)
- Cr Ball (Deputy President)
- Cr (Proxy) (Vacant)
- Chief Executive Officer

Community Assisted Transport Stakeholder Reference Group

- Cr O'Brien
- Cr Chilcott (Proxy)

Community Centre Committee

- Cr Longmuir

Community Resource Centre Committee

- Cr O'Brien

Cottage Homes Committee

- Cr West

Developments Assessment Panel

- Cr Ball
- Cr West
- Cr Hegarty (Proxy)
- Cr Kilpatrick (Proxy)

Frail Aged Homes Committee/Waratah

- Cr Hegarty



Historical Village Committee

- Cr Chilcott

Parents & Citizens Association

- Cr Longmuir

Piesseville Hall

- Cr Blight

Regional Road Group

- Cr Ball
- Cr Kilpatrick (Proxy)
- Chief Executive Officer

School Bus Committee

- Cr Ball

Townscape, Tourism and Promotion Committee (Wagin Chamber of Commerce)

- Cr Chilcott
- Cr West
- Cr O'Brien (Proxy)

Wagin/Woodanilling Landcare Zone

- Cr Kilpatrick
- Chief Executive Officer

WALGA Central Country Zone

- Cr Blight
- Cr Ball
- Cr Kilpatrick (Proxy)
- Chief Executive Officer

Woolorama Committee

- Cr O'Brien
- Cr West (Proxy)

Carried 8/0

OFFICER RECOMMENDATION 3/4648 COUNCIL RESOLUTION

Moved Cr S M Chilcott

Seconded Cr G K B West

That Council disband the following Committees of Council. These committees' functions will become functions of the newly appointed committees or new external working groups/external organisations;

- Asset Management Committee
- Great Southern Regional Waste Group
- Airport Redevelopment Committee
- Tourism and Promotion Committee
- Townscape Enhancement Committee
- Waste Management and Recycling Committee
- Economic Development Advisory Committee
- Community Bus Committee

Carried 8/0

BRIEF SUMMARY

Following the ordinary council election held on 16 October 2021, Council is required to appoint elected members to committees.

BACKGROUND/COMMENT

In accordance with section 5.8, 5.9 and 5.10 of the *Local Government Act 1995* Council has established the following Committees with a tenure of members due to expire on the date of the Local Government Elections, October 2023;

- Finance and General-Purpose Committee
- Works and Services Committee
- Audit Committee
- CEO Review Committee
- Bushfire Advisory Committee
- Local Emergency Management Committee
- Sportsground Precinct Redevelopment Committee
- Sportsground Advisory Committee

As identified in the 'Committees of Council, Working Groups and External Organisations' Manual the following is listed;

- Terms of Reference
- Meeting Quorum
- Meeting frequency
- Responsible Officer

These nine committees, along with Ordinary Council Meetings and Special Council Meetings will attract sitting fees as set by Council. For other external committees or working groups, elected members will be reimbursed for travel costs (only) in line with the Salaries and Allowances Tribunal as stated in Council Policy C.2 – Councillors Out of Pocket Expenses.

As some Committees of Council include Community Members (“other Persons” as defined in the Act), the tenure of these members, expires either at the end of the tenure of appointment or on the date of the next ordinary election.

As these new committee appointments are made, it is a requirement that Council calls for new appointments of ‘Other Persons’ once the committees are formed. This process will take place after the Special Council Meeting.

CONSULTATION/COMMUNICATION

Nil

STATUTORY/LEGAL IMPLICATIONS

- *Local Government Act 1995*
- *Salaries and Allowances Tribunal*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

5.5 MANAGEMENT OF BUSHFIRES VOLUNTEER POLICY

AUTHOR OF REPORT:	Chief Executive Officer
SENIOR OFFICER:	Chief Executive Officer
DATE OF REPORT:	15 October 2021
PREVIOUS REPORT(S):	Nil
DISCLOSURE OF INTEREST:	Nil
FILE REFERENCE:	CM.PO.1
ATTACHMENTS:	<ul style="list-style-type: none">Proposed B9 – <i>Management of Bushfire Volunteer Policy</i>

OFFICER RECOMMENDATION/4649 COUNCIL RESOLUTION

Moved Cr B S Hegarty

Seconded Cr B L Kilpatrick

That Council adopt the proposed *Management of Bushfire Volunteers Policy*

Carried 8/0

BRIEF SUMMARY

The State Government's new Work Health and Safety Act 2020 commences in January 2022 and will impact on the Shire's bushfire volunteers and Local Governments through the new *Industrial Manslaughter* regulations. It is understood that all registered bushfire volunteers (and possibly anyone on a fireground attempting to fight a fire) to be deemed to be "employees" of the Shire, thereby placing direct responsibility on the Shire to provide a safe workplace; in this case the fireground wherever that may be. There is also a responsibility to ensure that volunteer firefighters are sufficiently trained to carry out their role.

This report recommends that the Shire adopt a *Management of Bushfire Volunteers Policy*, the thrust of which is to recognise *prior learning* (experience) of volunteers on the fireground as a legitimate competency when fighting fires.

BACKGROUND/COMMENT

The intent of the proposed policy is to adopt a protocol that recognises and addresses the issue of training. *Recognition of Prior Learning*, that is experience in fire situations, will be recognised and registered as a competency level. Inexperienced volunteers will need to have a recorded basic introduction to fire safety and procedure training or have been issued a Shire *Competency Certificate*.

As volunteers come under the Shire's umbrella, liability wise, as well as any employer who has an employee attending a fire, volunteers are covered through the Shire's insurance scheme.

Local Governments and particularly their CEO's, through the provisions of the Work Health and Safety Act 2020 are in the unenviable position of being directly responsible for the safety and welfare of those attending fires whilst at the same time having no direct control over who will be attending fires and whether or not they have had any training or experience. Significant

corporate and personal penalties exist if industrial manslaughter claims are upheld. Potential penalties may be of a financial nature and possible terms of imprisonment.

A potential unintended consequence of this legislation could be a reluctance of people willing to attend fires thereby placing property, infrastructure and even whole communities at risk if fires are not suppressed in their early stages.

Whilst his whole situation is a legal minefield, it is believed that the proposed policy will at least demonstrate the commitment and intent of the Shire to try to ensure that volunteers meet some basic requirements and that a system of *Recognition of Prior Learning* is implemented by way of the issue of competency certificates.

CONSULTATION/COMMUNICATION

- President – Cr Blight & Councillors Ball, Kilpatrick & Hegarty
- Deputy Chief Executive Officer
- Executive Assistant
- Mr Dave Gossage – President – Bushfire Volunteers

STATUTORY/LEGAL IMPLICATIONS

- Work Health & Safety Act 2020

POLICY IMPLICATIONS

New Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority



6. CLOSURE

With no further business to be discussed the Presiding Member closed the meeting at 5:57pm

I certify that this copy of the Minutes is a true and
Correct records of the meeting held on
19 October 2021

Signed

Presiding Elected Member

Date: