



AGENDA

MEETING BEING HELD ON

**Thursday 28 July 2022**

Commencing at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

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Dale Putland  
Chief Executive Officer

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

*We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.*

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

PRESENT:	Shire President	Richard Walker
	Deputy Shire President	Helen O’Connell
	Councillor	Sarah Alexander
		Steele Alexander
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
		Charles Caldwell
	Deputy Chief Executive Officer	Carolyn Mallett
	Executive Assistant	Maria Lane
	Community Resource Centre	Jodi Nield - Manager
	Boyup Brook Tourism Assoc.	Shirley Broadhurst – President

LEAVE OF ABSENCE:

APOLOGIES:

MEMBERS OF PUBLIC:

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. PUBLIC QUESTION TIME**

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Jodi Nield	–	Library
Shirley Broadhurst	–	Boyup Brook Tourism Association

**6. DISCLOSURE OF INTEREST**

**7. CONFIRMATION OF MINUTES**

**7.1 Ordinary Council Minutes – 30 June 2022**

**OFFICER RECOMMENDATION – ITEM 7.1**

**That the minutes of the Ordinary Council Meeting held on Thursday 30 June 2022 be confirmed as an accurate record.**

**8. PRESIDENTIAL COMMUNICATIONS**

**9. COUNCILLOR QUESTIONS ON NOTICE**

Nil

**10. REPORTS OF OFFICERS**

**10.1 Manager Works and Services**

Nil

## 10.2 FINANCE

### 10.2.1 List of Accounts Paid in June 2022

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>15/07/2022</i>
<b>Author:</b>	<i>Ben Robinson – Finance Manager</i>
<b>Authorising Officer:</b>	<i>Dale Putland – CEO</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in June</i>

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#### SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in June 2022 are presented to Council.

#### BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 30 June 2022.

#### COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 June 2022.

#### CONSULTATION -Nil

#### STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. *Payments from municipal fund or trust fund*

(1) *A payment may only be made from the municipal fund or the trust fund —*

(a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

(b) *otherwise, if the payment is authorised in advance by a resolution of the council.*

(2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. *Lists of accounts*

(1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts*

*paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*
- (2) A list of accounts for approval to be paid is to be prepared each month showing —*
  - (a) for each account which requires council authorisation in that month —*
    - (i) the payee's name;*
    - (ii) the amount of the payment; and*
    - (iii) sufficient information to identify the transaction;*
    - and*
    - (b) the date of the meeting of the council to which the list is to be presented.*
- (3) A list prepared under sub regulation (1) or (2) is to be —*
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Council's Authority to Make Payments Policy has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2021-22 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.1**

That at its July 2022 ordinary meeting Council receive as presented the list of accounts paid in June 2022, totalling \$1,084,934.80 from Municipal account, \$85,736.35 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

<b>Municipal Cheques</b>	<b>20568-20573</b>	<b>\$ 24,903.44</b>
<b>Municipal Electronic Payments</b>	<b>EFT12542– EFT12691</b>	<b>\$ 792,054.87</b>
<b>Municipal Direct Payments</b>		<b>\$ 267,976.49</b>
<b>Police Licensing Payments</b>		<b>\$ 85,736.35</b>
<b>BBELC Payments</b>		<b>\$ 0.00</b>

**10.2.2 30 June 2022 Statement of Financial Activity**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>15 July 2022</i>
<b>Authors:</b>	<i>D Long – Finance Consultant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

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**SUMMARY**

The Monthly Financial Report for 30 June 2022 is presented for Councils consideration.

**BACKGROUND**

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

**COMMENT**

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves; and
- (j) Loan Borrowings Statement.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 30 June shows a closing surplus of \$2,619,061. A substantial amount of this surplus (\$1,206,369) is due to the advance paid general purpose and local road grants for 2022/2023 by the Commonwealth Government.

The Closing surplus figures is interim only and is subject to change due to year-end adjustments and any audit adjustments.

**CONSULTATION** – Nil

**STATUTORY OBLIGATIONS**

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

**POLICY IMPLICATIONS** – Nil



**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS** - Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.2**

**That Council receive the Monthly Financial Report for 30 June 2022, as presented.**

**10.3 PLANNING**

Nil

## 10.4 Chief Executive Officer

### 10.4.1 WALGA - Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	WALGA
<b>File:</b>	GR/31/002
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	09/06/2022
<b>Author:</b>	Dale Putland – Chief Executive Officer
<b>Authorising Officer:</b>	Dale Putland – Chief Executive Officer
<b>Attachments:</b>	WALGA- Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position

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#### **SUMMARY**

Council is requested to provide comments to the Western Australian Local Governments Associations (WALGA) regarding the proposed Advocacy position on Arrangements for Management of Volunteer Bushfire Brigades in order to allow WALGA to provide guidance in its engagement with the State Government on the drafting of the Consolidated Emergency Services Act (CES Act).

The State Government is proposing to consolidate the Fire Brigades Act 1942, Bush Fires Act 1954 and the Fire and Emergency Services Act 1998, into a single piece of legislation, which is anticipated to be released as a Green Bill for consultation in early 2023.

It is recommended that Council advise WALGA that its position is that the Shire does not support establishment of a separate rural bushfire authority and wishes to retain responsibility for its Volunteer Bushfire Brigades.

Council should also advise WALGA that its position is that DFES and that the Shire is seeking additional funding, equipment and training support from DFES to improve the operational capability of its local Volunteer Bushfire Brigades.

#### **BACKGROUND**

In May 2022, the Shire received an Infopage and the Proposed Advocacy Position on Arrangements for Management of Bushfire Brigades Paper from WALGA seeking comments from Local Governments that manage bushfire brigades. WALGA has allowed for a six (6) weeks consultation period (comments to be submitted by 8 July 2022) the item will then go to the WALGA State Council in September 2022.

This is a result of the introduction of the Work Health and Safety Act 2020, which has put on additional responsibilities on Local Government for managing Bush Fire Brigades, along with the State Government drafting the Consolidated Emergency Services Act, which combines the Fire Brigades Act 1942, Bush Fires Act 1954 and Fire and Emergency Services Act 1998 into a single piece of legislation.

In 2021, WALGA undertook a comprehensive Local Government Emergency Management Survey to ascertain the sector's sentiment with respect to their emergency management responsibilities. 104 Local Governments responded to the Survey consisting of:

36 Chief Executive Officers;  
18 Community Emergency Services Managers; and  
50 Local Government officers.

The survey also asked Local Governments about their level of satisfaction with current arrangements for managing Bush Fire Brigades, 92 Local Governments (69 of which manage Bush Fire Brigades) provided the following feedback:

93% were not wholly satisfied with the current arrangements for the management of BFBs; and 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

As a result of these findings, WALGA has proposed the following Advocacy Position:

- “1. *The Association advocates that the State Government must provide for:*
  - a) *A clear pathway for Local Governments to transfer responsibility for the management of Bush Fire Brigades to the State Government when ongoing management is beyond the capacity, capability and resources of the Local Government;*
  - b) *The co-design of a suite of relevant guidelines and materials to assist those Local Governments that manage Bush Fire Brigades;*
  - c) *Mandatory and minimum training requirements for Bush Fire Brigade volunteers supported by a universally accessible training program managed by the Department of Fire and Emergency Services (DFES); and*
  - d) *The recognition of prior learning, experience and competency of Bush Fire Brigade volunteers.*
2. *That a Working Group comprising representatives of WALGA and DFES be established to develop a process and timeline for the transfer of responsibility for Bush Fire Brigades in accordance with 1(a).*
3. *Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility.”*

The recent 2016, Waroona Yarloop bush fires, led to the Public Sector Commission undertaking a special inquiry by Mr Euan Ferguson AFSM, which resulted into

recommendations for change in the area of Strategic and Agencies opportunities for improvements. These included 17 Recommendations and 23 Opportunities, including the establishment of a Rural Fire Services established by the State Government, with the options of transferring the management of all Bush Fire Brigades under the Department of Fire and Emergency Services (DFES).

It is understood that in 2017, this recommendation was explored and considered by the Economic Regulation Authority for the Emergency Services Levy, to the extent to which the Emergency Services Levy (ESL) should be available to fund the administrative and operational costs of a rural fire service.

### **COMMENT**

As noted above, introduction of the Work Health and Safety Act 2020 has placed additional responsibilities on Local Government for managing Bush Fire Brigades.

#### Work Health and Safety (WHS) Act 2020

Some of the key features of the WHS Act as follows:

- The primary duty holder is the 'person conducting a business or undertaking' (PCBU) which is intended to capture a broader range of contemporary workplace relationships.
- A primary duty of care requiring PCBUs to, so far as is reasonably practicable, ensure the health and safety of workers and others who may be affected by the carrying out of work.
- Duties of care for persons who influence the way work is carried out, as well as the integrity of products used for work, including the providers of WHS services.
- A requirement that 'officers' exercise 'due diligence' to ensure compliance.
- The new offence of industrial manslaughter, which provides substantial penalties for PCBUs where a failure to comply with a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.
- The voiding of insurance coverage for WHS penalties, and imposition of penalties for providing or purchasing this insurance.
- The introduction of WHS undertakings, which are enforceable, as an alternative to prosecution.
- Reporting requirements for 'notifiable incidents' such as the serious illness, injury or death of persons and dangerous incidents arising out of the conduct of a business or undertaking.
- A framework to establish a general scheme for authorisations such as licences, permits and registrations (for example, for persons engaged in high-risk work or users of certain plant or substances), including provisions for automated authorisations.

Under the Work Health and Safety Act 2020, for Volunteers and Volunteer Organisations, the Shire is responsible for all the volunteers within the Bush Fire Brigades. The Shire is required to ensure that all the Fire Control Officers (FCOs) and Bush Fire volunteers have undertaken the required training to allow them to perform the role safely.

There are very significant fines that now apply to local governments and criminal charges may be imposed on executive staff should they fail in their duty of care under the new WHS Act 2020. A significant increase in the maximum fine is now applicable to executives along with a 20-year jail term. The local government body is now subject to an uninsurable fine up to \$10M.

The Shire and the Volunteer Bushfire Brigade senior leadership (Xray) team have worked to improve safety and training standards within the brigades with strong support at a brigade and individual level. Given the advances that the Shire and Brigades have made during the last 12 months in provision of PPE, training, communications, leadership and general safety awareness, there appears little or no benefit in transferring the brigades to DFES or another State agency. The Volunteer Bushfire Brigades have themselves indicated a strong desire to remain with the Shire of Boyup Brook.

#### Bush Fire Brigade Volunteers

The Shire has currently on its list of Bush Fire Brigades Volunteers a total of 426 registered volunteers, of which the insurance for these Volunteers is paid through the ESL.

Volunteers are considered a very valuable asset and it is this Shire's view that we encouraged and support our Volunteers to undertake the required minimum training to ensure their safety and wellbeing and the long-term retention of our most precious asset. It is also critical that the Shire ensure the succession planning for the up-and-coming volunteers that should be encouraged to undertake the required training. This will most effectively be managed if the Brigades continue to operate with Shire support.

#### Shire Ranger and Bushfire Brigade Training

In 2021, the Shire appointed a new Ranger / Emergency Services Coordinator who has effectively worked with the Volunteer Bushfire Brigades to improve provision and wearing of PPE, training and equipment levels.

Creation of this position has improved the Shire's capability to develop, implement and coordinate the delivery of Community Emergency Services functions including the support and delivery of training for emergency volunteer groups.

Additional funding support from DFES would allow the Shire to expand on its current and planned training program and provide additional support to the brigades.

### WALGA Proposed Advocacy Position

While the proposed Advocacy position by WALGA is in line with the Shire's direction and reflects the above Shire's concern in managing its Bush Fire Brigades Volunteers and the new WHS as well as the ability and the capacity for the Shire to take on the responsibility.

Based on the above, it is recommended that Council endorse the WALGA proposed Advocacy Position to the State Government in addressing this issue as part of its consolidated review of the Emergency Services Act.

### CONSULTATION

WALGA undertook a survey on Local Government Emergency Management 2021 and provided the report and Infopage on its Advocacy Position on the Arrangements for Management of Volunteer Bush Fire Brigades. The process of consultation is being coordinated by WALGA as the lead agency in this process.\

The Shire has met with members of the Bushfire Brigade Xray team, who are supportive of the volunteer bushfire brigades remaining with the Shire and who expressed concerns that transfer to a State Government agency may result in the loss of many volunteers.

### STATUTORY OBLIGATIONS

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- The Local Government Act of 1995: Division 3 — Executive functions of local governments, Subdivision 1 — Performing executive functions, s3.18. Performing executive functions: 3(b).
- Work Health and Safety Act 2020, mandates the duty of care to volunteers by the person conducting a business undertaking. Senior Local Government officers with decision making and budget allocation control, have a duty of care to volunteer bush fire brigade members.
- Bush Fires Act 1954, s36 and s41. Provides for local governments to establish, maintain and equip bush fire brigades.
- Bush Fire Brigades Local Law.

### POLICY IMPLICATIONS

Nil

### BUDGET/FINANCIAL IMPLICATIONS

Budgetary and financial implications are currently unknown and will depend on the model adopted by the State Government.

### STRATEGIC IMPLICATIONS

Retention of the Shire's Volunteer Bushfire Brigades within the Shire of Boyup Brook strengthens the Shire's volunteer base and sense of community. It is linked to many aspects of the Shire's Strategic Community Plan.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.4.1**

1. That Council makes a submission on the WALGA proposed advocacy position on arrangements for management of Volunteer Bushfire Brigades, advising that the Shire wishes to retain its Volunteer Bushfire Brigades with additional financial, training and equipment support from the State Government to improve the operational capability of the Shire’s Volunteer Bushfire Brigades.

#### 10.4.2 Local Government Convention and Exhibition

<b>Location:</b>	<i>Perth Convention Exhibition Centre</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>GR/31/002</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>18 July 2021</i>
<b>Author:</b>	<i>Maria Lane – Executive Assistant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachment:</b>	<i>Information Brochure</i>

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#### **SUMMARY**

The 2022 WA Local Government Convention will be held at Crown Perth on Monday, 3 and Tuesday, 4 October.

This report recommends that Council be represented at the convention and nominate delegates accordingly.

Member Local Governments are also invited to submit motions for inclusion on the AGM Agenda.

Key dates for the 2022 AGM are as follows:

- Friday, 22 July - Deadline to submit motions proposing Constitutional amendments
- Friday, 12 August - Deadline to submit motions for the AGM Agenda
- Friday, 23 September - Registration of Voting Delegates closes

The theme for the 2022 WA Local Government Convention is *Embracing Change*. With increasing community expectations of Local Governments, legislative reform, and a rapidly changing economic, social and political environment, Local Governments must find new ways of serving and engaging with their communities. This Convention will explore changes to the Local Government landscape over the coming years and how the sector can come together to inform, guide and embrace change.

#### **BACKGROUND**

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

The Association's Annual General Meeting is part of the convention program.



In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates is required by Friday 23 September 2022.

**COMMENT**

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee could be up to \$3,500, depending on accommodation requirements and involvement with member development programs.

Whilst it is often hard to quantify the benefit of attending conferences, this annual association get together does provide the opportunity to view a range of vendors wares (ranging from equipment such as graders, backhoes and the like to computer programs, lighting, park and street furniture) and to speak at length with representatives. It also provides the opportunity to speak with other like-minded people who give of their own time to serve the community. This interaction is important in so many ways as it provides a forum for sharing ideas and experiences and as such is more akin to training. The conference is generally attended by influential people in the state such as the Premier and the leader of the opposition. The President also has the opportunity to meet and greet other community, state and national leaders at a function hosted by the state Governor of Lord Mayor (these alternate each year).

Added to this is the teambuilding opportunity offered by the practice of all staying in the same hotel, incidentally where many other Council delegates also stay and so adding to the out of conference opportunity for interaction with other delegates.

**CONSULTATION**

Not applicable

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Council's policy on conferences – attendances and expenses by Councillors is as follows:-

**Objective**

To determine the procedures for attendance at conferences and seminars by Councillors.

## **Statement**

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

## **BUDGET/FINANCIAL IMPLICATIONS**

Expenditure will be incurred in 2022/23 and would be budgeted accordingly.

## **STRATEGIC IMPLICATIONS**

The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

## **SUSTAINABILITY ISSUES**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION – Item 10.4.2**

**That:-**

- 1. The Shire President and Cr/s \_\_\_\_\_ and the CEO attend the 2022 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.**
- 2. Councillor \_\_\_\_\_ and Cr \_\_\_\_\_ be authorised voting delegates and that Councillor \_\_\_\_\_ and the CEO be authorised deputy voting delegates.**

**10.4.3 Review of the Biosecurity and Agriculture Management Act**

<b>Location:</b>	N/a
<b>Applicant:</b>	N/a
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	18 July 2022
<b>Author:</b>	Dale Putland – Chief Executive Officer
<b>Authorizing Officer:</b>	Dale Putland – Chief Executive Officer
<b>Attachments:</b>	Yes

**SUMMARY**

The State Government has announced a review of the *Biosecurity and Agriculture Management Act 2007* and is calling for submissions to inform the first stage of the review. The review is being carried out by an independent six-member panel appointed by the Minister for Agriculture and Food and will be conducted in three stages.

The *Biosecurity and Agriculture Management Act 2007* forms the basis for establishment of recognised biosecurity groups and led to establishment of the Blackwood Biosecurity Inc (BBI) and the subsequent imposition of a biosecurity levy on landowners in the Boyup Brook Shire.

The recent outbreak of Foot and Mouth disease in cattle on the island of Bali has highlighted inadequacies of the current system and the need for the State Government to re-establish and adequately fund a professional biosecurity service within the Department of Agriculture.

The CEO recommends that Council make a submission on the *Biosecurity and Agriculture Management Act 2007* reiterating its position that it does not support the BBI and requesting that the State Government supply adequate funding and resources to address current and emerging biosecurity issues affecting the state.

**COMMENT**

Following the introduction of the *Biosecurity and Agriculture Management Act 2007*, the State Government has transferred some operations of the former Department of Agriculture (now the Department of Agriculture, Fisheries and Forestry) to volunteer based biosecurity groups (the “recognised biosecurity groups”), including the BBI. While the objectives of this initiative were admirable, in the Shire of Boyup Brook, inclusion of the Shire within the BBI area and subsequent imposition of a biosecurity levy on Shire ratepayers has led to a high level of concern and mistrust.

The Shire has written to the Minister for Agriculture on several occasions expressing the Shire's concerns and requesting that the Shire be removed from the BBI area of operations. The Shire has also reiterated its position to a Parliamentary Enquiry into biosecurity groups and advised that the Shire of Boyup Brook has opposed, and continues to oppose, the imposition of a Recognised Biosecurity Group (RBG) and Biosecurity levy on the Boyup Brook community on the basis that it has been done without proper community consultation. The Shire has taken a position of opposition in response to concerns raised by many members of its local community and in doing so, believes that it has acted on the community's behalf in this matter. The Shire's role is to represent its community and it continues to oppose the introduction of the RBG (BBI) AND the levy on the basis that the RBG was introduced without consultation with either the Shire of Boyup Brook or its residents/rate payers.

The Shire also advised the parliamentary committee of its concern regarding the lack of transparency and consultation from the DPIRD and BBI and how this has raised concerns in the Boyup Brook community. The failure to release details of the budget, corresponding lack of consultation response and the very public breakdown of the BBI leadership (including the animal cruelty charges faced by two employees of BBI) have led to a popular belief in the Boyup Brook community that this particular RBG has been a spectacular failure and that its role is finished.

WALGA has adopted the following position on biodiversity:

#### **WALGA Biosecurity Policy Position**

1. *Local Government believes that State Government has responsibility for the following parts of a biosecurity system:*
  - *pre-border and border biosecurity measures and contingency funds to deal with new pest outbreaks*
  - *assistance to the private sector for newly established, industry-specific pests*
  - *assistance to land managers for newly established pests (where the incursion has occurred despite the land owner's best biosecurity management effort)*
  - *establishment of a biosecurity network and regional cooperative arrangements*
  - *enforcement of regulations*
  - *compliance with regulations on State Government managed land*
  - *specific research projects and specialised diagnostic services, and*
  - *enhancement of barrier fences.*
2. *Local Government are not supportive of Recognised Biosecurity Groups (RBGs).*
3. *Local Government calls on the State Government to either reinstate the Agriculture Protection Board or develop a model similar to the NSW Local Land Services Act 2013 approach, and in consideration of either model that:*
  - *there are State Government approved strategic and operational plans which can be understood by landowners and other stakeholders, including Local Governments*
  - *there is direct contact with Local Governments, State Government agencies and departments, and major industry groups*

- *that either model is resourced by State Government to undertake the required activities*
  - *that either model be funded under the current funding arrangements as outlined in the Biosecurity and Agriculture Management Act 2007, and*
  - *that it assists in the delivery of national, state and local priority species management.*
4. *That as matter of priority, the Government undertake a review of the operation and effectiveness of the Biosecurity and Agriculture Management Act 2007 and its regulations.*

It is recommended that Council supports the WALGA position on biosecurity and makes a formal submission on the *Biosecurity and Agriculture Management Act 2007* to the independent panel.

### **CONSULTATION**

Following the introduction of the biosecurity level, the Shire has been regularly approached by residents raising concerns regarding BBI and the biosecurity levy.

The Shire conducted a straw poll in 2019, with responses showing that 95% of residents surveyed objecting to the BBI imposed levy.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil
- **Economic**  
Nil.
- **Social**  
Nil

### **VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION – ITEM 10.4.3**

That Council resolve to make the following formal submission to the independent panel on the review of the *Biosecurity and Agriculture Management Act 2007*:

1. The Shire of Boyup Brook believes that State Government has responsibility for the following parts of a biosecurity system:
  - pre-border and border biosecurity measures and contingency funds to deal with new pest outbreaks
  - assistance to the private sector for newly established, industry-specific pests
  - assistance to land managers for newly established pests (where the incursion has occurred despite the landowner’s best biosecurity management effort)
  - establishment of a biosecurity network and regional cooperative arrangements
  - enforcement of regulations
  - compliance with regulations on State Government managed land
  - specific research projects and specialised diagnostic services, and
  - enhancement of barrier fences.

The Shire of Boyup Brook is not supportive of Recognised Biosecurity Groups (RBGs) and repeats its request that the Shire be removed from the Blackwood Biosecurity Group Inc. area of operations.

2. The Shire of Boyup Brook calls on the State Government to either reinstate the Agriculture Protection Board or develop a model similar to the NSW Local Land Services Act 2013 approach, and in consideration of either model that:
  - there are State Government approved strategic and operational plans which can be understood by landowners and other stakeholders, including Local Governments
  - there is direct contact with Local Governments, State Government agencies and departments, and major industry groups
  - that either model is resourced by State Government to undertake the required activities
  - that either model be funded under the current funding arrangements as outlined in the Biosecurity and Agriculture Management Act 2007, and
  - that it assists in the delivery of national, state and local priority species management.

11 COMMITTEE MINUTES  
Nil

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  
Nil

**13 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS  
PRESENT/CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

Nil

**14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at ....