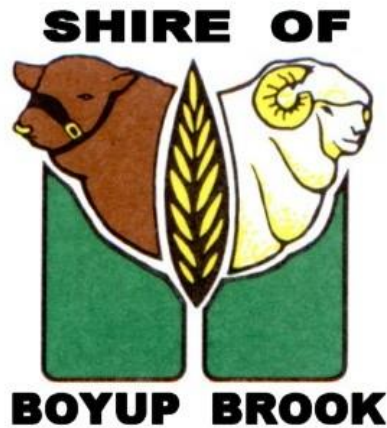


# Minutes



ORDINARY MEETING  
held

THURSDAY 16 July 2020  
Commenced AT 5.00PM

SHIRE OF BOYUP BROOK  
CHAMBERS  
ABEL STREET-BOYUP BROOK

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## **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

### **1.1 Attendance**

Cr R Walker - Shire President  
Cr S Alexander  
Cr P Kaltenrieder  
Cr K Moir  
Cr H O'Connell  
Cr T Oversby  
Cr A Price

STAFF: Mr Peter Dittrich (Acting Chief Executive Officer)  
Ms Vanessa Crispe (Coordinator Works, Projects and Assets)  
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Darren King – left at 6.07pm  
Mr Tristan Wheeler (Manjimup Bridgetown Times) – left at 6.07pm  
Mr Eric Muncey – left at 5.38pm  
Mr Neil Derrick – left at 6.07pm  
Ms Glenda Moroni – left at 6.07pm  
Ms Carina Wilson - left at 6.07pm  
Mr Stephen Jackson - left at 5.38pm

### **1.2 Apologies**

Nil

### **1.3 Leave of Absence**

## **2 PUBLIC QUESTION TIME**

Mr Stephen Jackson wanted to know the reason behind the name change of Jayes Road and why no consultation was provided to the community.

#### ***Response***

*The A/CEO will be writing to Mr Jackson in relation to his concerns and further information will be put in the next Ordinary Council Agenda for August.*

Mr Eric Muncey wanted to know why the Chief Executive Officer left the Shire.

#### ***Response***

*Personal matter.*

Mr Eric Muncey wanted further clarification on the Biosecurity rate and wanted to know if an election will be moved forward to appoint 2 new Councillors.

#### ***Response***

*Further information will be provided to ratepayers in the Community Newsletter on Biosecurity and the Election will not be moved forward.*

*The Election will be held on 17 October 2020.*

Mr Neil Derrick advised Council that ratepayers are not happy about the changes within the Shire and no information has been provided in relation to Rylington Park.

**Response**

*The next Rylington Park Transitional Committee will be held on 30 July 2020. The Community will be informed either via the Community Newsletter, Website or Gazette.*

Mr Neil Derrick advised Council that the trees on the medium strip are dying and looks like an eyesore.

Ms Carina Wilson voiced her absolute disgust at what has happened up at the Tip Shop and the Shire to reinstate it.

**Response**

*The CEO is happy to organize a meeting and look at other alternatives.*

Ms Carina Wilson advised Council that there is no mention of a Waste Management Plan in the Strategic Community Plan.

**Response**

*This will be included into the Strategic Community Plan and will be put out for community consultation.*

**2.1 Response to Previous Public Questions Taken on Notice**

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Cr Price attended 2 meetings at the CRC Management Committee.

Cr Price attended 2 meetings in relation to Cash for Containers held at the CRC.

Cr Price attended a meeting at the Boyup Brook Tourism Association as a Council representative.

Cr O'Connell attended the CRC meeting on 24 June 2020.

Cr O'Connell attended the Rylington Park Transitional Committee meeting on 25 June 2020.

Cr O'Connell attended the South West Zone meeting on 26 June 2020.

Cr O'Connell attended the CRC meeting on 15 July 2020.

Cr Alexander attended the Boyup Brook District High School meeting.

Cr Alexander attended the South West Zone meeting on 26 June 2020.

Cr Oversby attended a meeting with the Agricultural Society and mentioned that the Show will be possibly going ahead.

**5 DISCLOSURE OF INTEREST**

Cr Price declared an impartiality interest in item 9.3.4.

Cr Price declared an impartiality interest in item 9.3.5.

Cr Oversby declared an impartiality interest in item 9.3.4

Cr Oversby declared an impartiality interest in item 9.3.5.

Cr O'Connell declared an impartiality interest in item 9.3.5.

## **6 CONFIRMATION OF MINUTES**

### **6.1 Ordinary Council Minutes - 18 June 2020**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.1**

**MOVED: Cr Kaltenreider**

**SECONDED: Cr O'Connell**

That the minutes of the Ordinary Council Meeting held on Thursday 18 June 2020 be confirmed as an accurate record.

**CARRIED 7/0**

**Res 112/20**

### **6.2 Special Council Minutes - 1 July 2020**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.2**

**MOVED: Cr O'Connell**

**SECONDED: Cr Oversby**

That the minutes of the Special Council Meeting held on Wednesday 1 July 2020 which ***commenced at 5.15pm*** be confirmed as an accurate record.

**CARRIED 7/0**

**Res 113/20**

### **6.3 Special Council Minutes - 1 July 2020**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.3**

**MOVED: Cr Price**

**SECONDED: Cr Alexander**

That the minutes of the Special Council Meeting held on Wednesday 1 July 2020 which ***commenced at 6.40pm*** be confirmed as an accurate record.

**CARRIED 7/0**

**Res 114/20**

### **6.4 Special Council Minutes - 7 July 2020**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.4**

**MOVED: Cr Alexander**

**SECONDED: Cr Oversby**

That the minutes of the Special Council Meeting held on Tuesday 7 July 2020 be confirmed as an accurate record.

**CARRIED 7/0**

**Res 115/20**

**7      PRESIDENTIAL COMMUNICATIONS**

Attended the South West Zone meeting on 26 June 2020.

Attended a meeting in relation to Shire owned land.

The Shire President thanked Cr Rear for her contribution whilst on Council.

**8      COUNCILLORS QUESTIONS ON NOTICE**

**9      REPORTS OF OFFICERS**

**9.1 MANAGER WORKS & SERVICES**

Nil

**9.2 FINANCE**

**9.2.1 List of Accounts Paid in June 2020**

<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>09/07/20</i>
<b>Author:</b>	<i>Janet Brown– Management Accountant</i>
<b>Authorising Officer:</b>	<i>Peter Dittrich – Acting 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 2020 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 2020.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 June 2020.

**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 2019-20 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.1**



**MOVED: Cr O'Connell**

**SECONDED: Cr Alexander**

That at its July 2020 ordinary meeting Council receive as presented the list of accounts paid in June 2020, totalling \$686,879.73 from Municipal account, \$75,159.40 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

<b>Municipal Cheques</b>	<b>20405 - 20419</b>	<b>\$ 45,416.23</b>
<b>Municipal Electronic Payments</b>	<b>EFT9403 – EFT9534</b>	<b>\$ 434,621.47</b>
<b>Municipal Direct Payments</b>		<b>\$206,842.03</b>
<b>Police Licensing Payments</b>		<b>\$ 75,159.40</b>
<b>BBELC Payments</b>		<b>\$ 0.00</b>

**CARRIED 7/0**

**Res 116/20**

### 9.3 CHIEF EXECUTIVE OFFICER

#### 9.3.1 Notice of WALGA Annual General Meeting 2020

<b>Location:</b>	<i>Crown Towers Perth</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>29 June 2020</i>
<b>Author:</b>	<i>Maria Lane – Executive Assistant</i>
<b>Attachment:</b>	<i>Yes - Notice of AGM 2020</i>

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#### **SUMMARY**

The Annual General Meeting for the Western Australian Local Government Association (WALGA) will be held on **Friday, 25 September 2020**. This event should be attended by delegates from all Member Local Governments.

#### **BACKGROUND**

In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates closes on **Friday, 28 August 2020**.

#### **COMMENT**

Following the cancellation of the Local Government Convention, the 2020 Annual General Meeting has been delayed to late September to provide as much time as possible for the meeting to be held in-person.

#### **CONSULTATION**

Not applicable

#### **STATUTORY OBLIGATIONS**

Nil

#### **POLICY IMPLICATIONS**

Please refer to Policy M.01 (*Seminars, Conferences and Training*)

**BUDGET/FINANCIAL IMPLICATIONS**

Attendance at the Annual General Meeting is free of charge to all member Local Governments. Travel accommodation and other expenses be provided for in the 20/21 budget.

**STRATEGIC IMPLICATIONS**

Good Governance

**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

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.3.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

That:-

1. The Shire President and the A/Chief Executive Officer attend the WALGA Annual General Meeting and expenses incurred be paid by the Shire, as per Council Policy M.01.
2. The Shire President and the A/CEO be authorised voting delegates and that Councillor Oversby and Cr O’Connell be authorised deputy voting delegates.

**CARRIED 7/0**

**Res 117/20**

### 9.3.2 National Redress Scheme (participation of WA Local Governments)

<b>Location:</b>	<i>n/a</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>IM/20/002</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>29 June 2020</i>
<b>Author:</b>	<i>Angela Hales – Environmental Health Officer</i>
<b>Attachment:</b>	<i>Yes</i>

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#### **SUMMARY**

The National Redress Scheme is about supporting survivors of institutional child abuse by providing mechanisms and administrative arrangements to facilitate a Local Government response to enquiries. State Government financial support for local government participation in the Scheme will ensure that Redress is available to as many survivors of institutional child sexual abuse as possible.

A Memorandum of Understanding has now been signed with WALGA that sets out the key principles for the WA Local Government sector participating in the Scheme with the State Government. Once formally endorsed, the Shire of Boyup Brook's participation as part of the WA Government's declaration in the National Redress Scheme will require an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

#### **BACKGROUND**

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Boyup Brook) will be required to consider leading practice approaches to child safeguarding separately in the future.

#### National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to

allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

### **COMMENT**

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Boyup Brook's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Boyup Brook formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Boyup Brook will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Boyup Brook to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Boyup Brook formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Boyup Brook include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.

- Complete removal of the State's coverage of costs and administrative support, with the Shire of Boyup Brook having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Boyup Brook.

#### Considerations for the Shire of Boyup Brook

Detailed below is a list of considerations for the Shire of Boyup Brook to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Boyup Brook will receive a Redress application. A Service Agreement will only be executed if the Shire of Boyup Brook receives a Redress application.

Shire of Boyup Brook needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Boyup Brook will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the State Records Act 2000 (the Act) to protect past and current records that may be relevant



to actual and alleged incidents of child sexual abuse. The Shire of Boyup Brook's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire of Boyup Brook should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Boyup Brook do not have any influence on the decision made and there is no right of appeal.

**CONSULTATION**

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

The Shire of Boyup Brook in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

### **FINANCIAL IMPLICATIONS**

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.2**

**MOVED: Cr Alexander**

**SECONDED: Cr Price**

That Council:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
- 2) Notes that the Shire of Boyup Brook will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Boyup Brook makes a specific and formal decision to be included;
- 3) Endorses the participation of the Shire of Boyup Brook in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
- 4) Grants authority to Shire of Boyup Brook to execute a service agreement with the State, if a Redress application is received;
- 5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Boyup Brook.

**CARRIED 7/0**

**Res 118/20**

### 9.3.3 Boyup Brook Men's Shed Draft Lease

<b>Location:</b>	<i>Part Lot 336 (No.12) Jackson Street Boyup Brook</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>Lease</i>
<b>Disclosure of Officer Interest:</b>	<i>N/A</i>
<b>Author:</b>	<i>Joanna Kaye (Research and Development Coordinator)</i>
<b>Authorizing Officer:</b>	<i>Peter Dittrich (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Men's Shed Draft Lease F.12 Guidelines for Community and Commercial Lease Negotiation Policy</i>

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#### **SUMMARY**

The purpose of this report is for Council to endorse the lease document for the Boyup Boyup Brook Men's Shed (Inc) for the ongoing use a portion of Lot 336 (No.12) Jackson Street, Boyup Brook for the Men's Shed Workshop.

#### **BACKGROUND**

Lease negotiations have been ongoing this year for Men's Shed Workshop. The Men's Shed also request a lease for the meeting room; however, negotiations with the RSL are ongoing. This lease is for the workshop space only.

The Council's solicitor has advised that this land is freehold land which means that the consent of the Minister for Lands approval to lease is not required.

#### **COMMENT**

The *F.12 Guidelines for Community and Commercial Lease Negotiations Policy* outlines who is responsible for payment of charges; however, while there is no separate meter the electricity and water are paid for by the Shire.

#### **CONSULTATION**

Men's Shed president Peter Candy

Council's solicitor

#### **STATUTORY OBLIGATIONS**

The lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997.

### **POLICY IMPLICATIONS**

The lease negotiations have been conducted in accord with to the *F.12 Guidelines for Community and Commercial Lease Negotiations Policy*.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

#### **Social:      Sense of Community**

##### **Our Vision:**

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>➤ Continue to work on retaining a Police Station in Boyup Brook.</li><li>➤ Continue to encourage initiatives that provide employment opportunities.</li><li>➤ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>➤ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>➤ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>➤ Continue to support Community groups and clubs</li><li>➤ Partner with key stakeholders on community needs driven projects.</li></ul>

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues any adverse impact on the Men's Shed would be detrimental to the community.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.3.3**

**MOVED: Cr O’Connell**

**SECONDED: Cr Kaltenrieder**

That Council endorse the lease document between the Shire of Boyup Brook and the Men’s Shed with any non-substantial changes incorporated in the lease document.

**CARRIED 7/0**

**Res 119/20**

**Impartiality Interest**

Cr Price and Cr Oversby declared an impartiality interest in the following item due to being a member of the Lions Club.

**9.3.4 Boyup Brook Lions Club Draft Lease**

<b><i>Location:</i></b>	<i>Part Lot 336 (No.12) Jackson Street Boyup Brook</i>
<b><i>Applicant:</i></b>	<i>N/A</i>
<b><i>File:</i></b>	<i>Lease</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>N/A</i>
<b><i>Author:</i></b>	<i>Joanna Kaye (Research and Development Coordinator)</i>
<b><i>Authorizing Officer:</i></b>	<i>Peter Dittrich (Acting Chief Executive Officer)</i>
<b><i>Attachments:</i></b>	<i>Lions Draft Lease F.12 Guidelines for Community and Commercial Lease Negotiation Policy</i>

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**SUMMARY**

The purpose of this report is for Council to endorse the lease document for the Boyup Brook Lions Club (Inc) for the ongoing use of part of the Flax Mill Shed a portion of Lot 336 (No.12) Jackson Street, Boyup Brook for the Container Deposit Scheme.

**BACKGROUND**

Lease negotiations have been ongoing this year for the premises of the Container Deposit Scheme. The Lions require a lease to continue the planning process.

The Council's solicitor has advised that this land is freehold land which means that the consent of the Minister for Lands approval to lease is not required.

**COMMENT**

The *F.12 Guidelines for Community and Commercial Lease Negotiations Policy* outlines who is responsible for payment of charges.

In the case of the Lions Lease there is no provision of water or electricity.

An important inclusion in the lease is the relocation clause as appropriate alternative locations for the Container Deposit Scheme are being investigated (see lease excerpt below)



**Relocation of Premises**

7. By negotiation and agreement in writing between the Tenant and Landlord:
  - a. the lease can be transferred to an alternative property. This lease may be amended to change the description of the Premises and any other matters relevant to the new location.
  - b. alternatively, this lease may be terminated early if the Tenant's operations are to be relocated to an alternative location and a new Lease will be signed.

**CONSULTATION**

Lions Club

Council's solicitor

**STATUTORY OBLIGATIONS**

The lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997.

**POLICY IMPLICATIONS**

The lease negotiations have been conducted in accord with to the *F.12 Guidelines for Community and Commercial Lease Negotiations Policy*.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

**Social: Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>➤ Continue to work on retaining a Police Station in Boyup Brook.</li><li>➤ Continue to encourage initiatives that provide employment opportunities.</li><li>➤ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>➤ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>➤ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>➤ Continue to support Community groups and clubs</li><li>➤ Partner with key stakeholders on community needs driven projects.</li></ul>

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues any adverse impact on the Men shed would be detrimental to the community.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.3.4**

**MOVED: Cr Alexander**

**SECONDED: Cr Kaltenrieder**

That Council endorse the lease document between the Shire of Boyup Brook and the Lions Club with any non-substantial changes incorporated in the lease document.

**CARRIED 7/0**

**Res 120/20**

**Impartiality Interest**

Cr Price declared an impartiality interest in the following item due to being a member of the CRC Management Committee and the Boyup Brook Lions Club.

Cr Oversby declared an impartiality interest in the following item due to being a member of the Boyup Brook Lions Club.

Cr O'Connell declared an impartiality interest in the following item due to being a member of the CRC Management Committee.

**9.3.5 Community Grant Acquittals**

<b><i>Location:</i></b>	N/A
<b><i>Applicant:</i></b>	Lions & Community Groups
<b><i>File:</i></b>	FM/25/008
<b><i>Disclosure of Officer Interest:</i></b>	None
<b><i>Date:</i></b>	10 July 2020
<b><i>Authors:</i></b>	Joanna Kaye - Research and Development Coordinator
<b><i>Authorizing Officer:</i></b>	Peter Dittrich Acting CEO
<b><i>Attachments:</i></b>	Yes. Community Grants 2019/20 Acquittal Summary

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**SUMMARY**

The purpose of this report is for Council:

1. To receive the Community Grants 2019/20 Acquittals
2. To approve the Lions Club acquittal exemption for the cancelled 2020 Pumpkin Festival due to CV-19.

**BACKGROUND**

The 2019/20 Community Grant Acquittal deadline was 30 June 2020. All acquittals have now been received.

The Lions Pumpkin Festival Event was cancelled due to CV-19. They have requested an exception from the acquittal process for 19/20.

**COMMENT**

The Community Grants 2019/20 Acquittal Summary attached provides an overview of the acquittals received. All grants were acquitted except for the Lions Pumpkin Festival.

Email from Glenda Moroni, Lions President sent: Monday, 6 July 2020 4:30 PM

*Hi Joanna. I did receive an email from someone, sorry have forgotten who, and I wrote back to the email asking Mr Smith what he would like us to do with the \$500. I did not hear back from him, so I asked Tom Oversby, to check with him, and according to Tom he said leave it. I am more than happy to send the Shire a cheque just to make it all legal. Please let me know.*

**CONSULTATION**

Lions

Community Groups

**STATUTORY OBLIGATIONS** - Nil

**POLICY IMPLICATIONS** – Yes

F.02 Guidelines for Community Grants

**BUDGET/FINANCIAL IMPLICATIONS** - Nil

**STRATEGIC IMPLICATIONS** – Yes

**Social:      Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure  
community. Our place will be an active and vibrant  
community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>+ Continue to work on retaining a Police Station in Boyup Brook.</li><li>+ Continue to encourage initiatives that provide employment opportunities.</li><li>+ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>+ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>+ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>+ Continue to support Community groups and clubs</li><li>+ Partner with key stakeholders on community needs driven projects.</li></ul>

**Governance: Strengthen Local Leadership**

**Our Vision:**

We will ensure our sustainability through our leadership, our regional partnerships and ensure we make informed resource decisions for the good of our community.

We will engage and listen to our community, advocate on their behalf, be accountable and manage within our governance and legislative framework.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Council and Community Leadership	Provide leadership on behalf of the community.	<ul style="list-style-type: none"> <li>+ Lobby and advocate for improved services, infrastructure, and access to.</li> <li>+ Advocate for the strengthening of health and education services.</li> <li>+ Develop partnerships with stakeholders to enhance community services and infrastructure.</li> </ul>
	Foster community participation and collaboration.	<ul style="list-style-type: none"> <li>+ Support volunteers and encourage community involvement in community groups and organisations.</li> <li>+ Partner in specific projects including community contributions.</li> </ul>
Sustainable Governance	Manage resources effectively.	<ul style="list-style-type: none"> <li>+ Continue to maintain strategic financial and asset management plans to inform decisions.</li> <li>+ Strive to deliver services to the level needed/wanted by the community funding dependant.</li> <li>+ Ensure governance and legislative requirements are met.</li> <li>+ Maintain an adequate workforce to meet service levels and legislative</li> </ul>

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.3.5**

**MOVED: Cr O’Connell**

**SECONDED: Cr Alexander**

That Council:

1. Receives the 2019/20 Community Grant Acquittals.
2. Approves the acquittal exemption for the cancelled 2020 Pumpkin Festival due to CV-19.

**CARRIED 7/0**

**Res 121/20**

**9.3.6 Community Grant Funding Agreement**

<b><i>Location:</i></b>	N/A
<b><i>Applicant:</i></b>	Community
<b><i>File:</i></b>	FM/25/008
<b><i>Disclosure of Officer Interest:</i></b>	None
<b><i>Date:</i></b>	10 July 2020
<b><i>Authors:</i></b>	Joanna Kaye - Research and Development Coordinator
<b><i>Authorizing Officer:</i></b>	Peter Dittrich Acting CEO
<b><i>Attachments:</i></b>	Yes. Community Grants 2020/21 Funding Agreement Template

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**SUMMARY**

The purpose of this report is for Council to approve the 2020/21 Funding Agreement template.

**BACKGROUND**

The 2020/21 Community Grants will be included in the 20/21 Budget.

**COMMENT**

The Community Grant Funding Agreement template has been updated to include a “value alignment” statement. See excerpt below:

### **5.3 Value Alignment**

The Shire promotes an open and respectful communication process and requests that there is no public criticism of Council, Council employees or Council members. If members of the organisation have an issue or a question:

- In the first instance, contact the Council Administration Office, either by telephone, email or letter. Council staff will be happy to assist you if you are unsure of the person you need to contact. Most matters can be resolved during this initial contact.
- If you are not satisfied by this contact, make an appointment to meet or write to the Chief Executive Officer. If you are not satisfied with the outcome, contact your Ward Councillor. Contact telephone numbers are listed on the Elected Members' page of the website.

The members of the organisation receiving a Community Grant are required to comply with all relevant Council policies, codes and resolutions. This includes compliance of the Personal Behaviour requirements of Members and staff in the Shire of Boyup Brook – Code of Conduct, see excerpt below. Visit the Shire website for the full document.

#### **5.1 Personal Behaviour**

##### **(a) Members and staff will:**

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- (iii) act in good faith (ie. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
- (iv) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (v) always act in accordance with their obligation of fidelity to the Local Government.

##### **(b) Members will represent and promote the interests of the Shire of Boyup Brook, while recognising their special duty to their own constituents.**

By signing this funding agreement, the organisation and its members agree to follow the customer comment process and act according to the personal behaviour guidelines above, aligned with the values of the Shire.

The Funding Agreement template Schedule has also been updated to include "Special Requirements" so that specific conditions for the funding of the grant can be included.

### **CONSULTATION**

Cr. Rear and Cr. O'Connell have provided feedback on the template. Their suggested changes have been incorporated in the final document.

### **STATUTORY OBLIGATIONS - Nil**

### **POLICY IMPLICATIONS – Yes**

F.02 Guidelines for Community Grants

### **BUDGET/FINANCIAL IMPLICATIONS - Nil**

### **STRATEGIC IMPLICATIONS – Yes**



**Social:      Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure  
community. Our place will be an active and vibrant  
community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>+ Continue to work on retaining a Police Station in Boyup Brook.</li><li>+ Continue to encourage initiatives that provide employment opportunities.</li><li>+ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>+ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>+ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>+ Continue to support Community groups and clubs</li><li>+ Partner with key stakeholders on community needs driven projects.</li></ul>

**Governance: Strengthen Local Leadership**

**Our Vision:**

We will ensure our sustainability through our leadership, our regional partnerships and ensure we make informed resource decisions for the good of our community.

We will engage and listen to our community, advocate on their behalf, be accountable and manage within our governance and legislative framework.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Council and Community Leadership	Provide leadership on behalf of the community.	<ul style="list-style-type: none"> <li>✦ Lobby and advocate for improved services, infrastructure, and access to.</li> <li>✦ Advocate for the strengthening of health and education services.</li> <li>✦ Develop partnerships with stakeholders to enhance community services and infrastructure.</li> </ul>
	Foster community participation and collaboration.	<ul style="list-style-type: none"> <li>✦ Support volunteers and encourage community involvement in community groups and organisations.</li> <li>✦ Partner in specific projects including community contributions.</li> </ul>
Sustainable Governance	Manage resources effectively.	<ul style="list-style-type: none"> <li>✦ Continue to maintain strategic financial and asset management plans to inform decisions.</li> <li>✦ Strive to deliver services to the level needed/wanted by the community funding dependant.</li> <li>✦ Ensure governance and legislative requirements are met.</li> <li>✦ Maintain an adequate workforce to meet service levels and legislative</li> </ul>

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.3.6**

**MOVED: Cr Oversby**

**SECONDED: Cr O’Connell**

That Council approve the 2020/21 Funding Agreement Template for Community Grants and direct the CEO to use this document for all Community Funding Agreements.

**CARRIED 7/0**

**Res 122/20**

**9.3.7 Appointment of Bush Fire Advisory Committee Members and Bush Fire Control Officers**

<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>BFAC</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>08 July 2020</i>
	<i>Author: Daly Winter – Community, Emergency and Regulation Manager</i>
<i>Authorizing Officer:</i>	<i>Peter Dittrich – Acting CEO</i>
<i>Attachments:</i>	<i>No</i>

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**SUMMARY**

This report is for Council to review the nominations to positions on the Bush Fire Advisory Committee (BFAC), and to ratify the appointment:

- of officers to various Bush Fire Advisory Committee positions;
- of Brigade delegates to the Bush fire Advisory Committee;
- Appointment of Fire Control Officers for 2020 – 2021.

**BACKGROUND**

Pursuant to the following Acts and Regulations, a local government shall in writing appoint persons to exercise on behalf of the local government the powers conferred on a Chief Fire Control Officer/Deputy Chief Fire Control Officer/Fire Control Officer by the Act, Regulations and Local Law:

*Bush Fires Act 1954*

*Bush Fires Regulations 1954*

*Shire of Boyup Brook - Bush Fire Brigades Local Law*

**COMMENT**

Council Res 139/17 which prescribes that the Bush Fire Advisory Committee will comprise as follows:

- The Council Representative
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer (X-Ray 1)
- Communications Officer
- Fire Weather Officer
- Deputy Fire Weather Officer

- Training Officer
- Two Delegates from each Brigade

This report recommends that in accord with the Bush Fire Advisory Committee minutes, Council designates the above positions to the committee and also designates:

- a second Council representative to deputise for the President, should he/she so nominate; and
- a second Deputy Chief Bush Fire Control Officer (X-Ray 2).

### **CONSULTATION**

Bush Fire Advisory Committee

### **STATUTORY OBLIGATIONS**

*Authorisation for Fire Control Officers is required under:*

*Bush Fires Act 1954*

#### **Bush Fire Advisory Committee - Extract from the Bush Fires Act 1954**

*"67. Advisory committees*

*(1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection."*

#### **Bush Fire Control Officer - Extracts taken from the Bush Fires Act 1954**

*"38. Local government may appoint bush fire control officer*

*(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*

*(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

*(4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*

*(a) carrying out normal brigade activities;*

*[(b), (c) deleted]*

*(d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*

*(e) procuring the due observance by all persons of the provisions of Part III.*

*(5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.*

*40. Local governments may join in appointing and employing bush fire control officers*

*(1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.*

*(2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.*

*[Section 40 amended: No. 14 of 1996 s. 4.]*

#### **Bush Fire Control Officer - Extract taken from the Bush Fires Regulations 1954**

*"15A. Bush fire control officer issuing permits to burn to comply with directions of local government*

*Where a local government issues directions to a bush fire control officer as to the manner in which or the conditions under which permits to burn shall be issued by that officer, he shall comply with those directions.*

*[Regulation 15A inserted: Gazette 21 Jan 1957 p. 88; amended: Gazette 22 Dec 1998 p. 6858.]*

**POLICY IMPLICATIONS** - Nil.

#### **BUDGET/FINANCIAL IMPLICATIONS**

It is not expected that the 2020 -2021 Fire Control budget will be materially different from the 2019 - 2020 budget.

**STRATEGIC IMPLICATIONS**

Shire of Boyup Brook Strategic Community Plan states:

Outcome: Growing Our Community Together – A place that is safe and secure.

**SUSTAINABILITY IMPLICATIONS**

➤ **Environmental**

N/A

➤ **Economic**

N/A

➤ **Social**

Refer to the *Strategic Implications* section in this report.

**VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.7**

**MOVED: Cr Moir**

**SECONDED: Cr Price**

That:

1. In accordance with determinations made by the Bush Fire Advisory Committee (refer minutes of the Committees 23 June 2020 AGM), Council ratifies the appointment of officers to Bush Fire Advisory Committee positions as follows:

Chief Fire Control Officer	Tristan Mead
1st Deputy Chief Fire Control Officer ( X-Ray 1)	Ben Thompson
2nd Deputy Chief Fire Control Officer (X-Ray 2)	Ron Bingham
Communications Officer (X-Ray 3)	David Fortune
Fire Weather Officer (X-Ray 4)	Brad Fairbrass
Deputy Fire Weather Officer	James Johnston
Training Officer	Vacant

such that the Chief Fire Control Officer, or a Deputy Chief Fire Control Officer, might exercise on behalf of Council responsibilities and powers conferred upon a Chief Fire Control Officer as prescribes by legislation as follows:

*Bush Fires Act 1954*

*Bush Fires Regulations 1954*

*Shire of Boyup Brook Bush Fires Brigade Local Law*

2. In addition to Cr Walker being appointed Council representative on the Bush Fire Advisory Committee, in accord with the Bush Fire Advisory minutes of their 23 June 2020 AGM, Council appoint Cr O'Connell to be a representative also, should she so nominate.
3. In accordance with determinations made by the Bush Fire Advisory Committee minutes of their 23 June 2020 AGM, Council ratifies the appointment of persons to be Bush Fire Advisory Committee delegates as follows:

Bush Fire Advisory Committee Delegates:

David Inglis and Darren Guazzelli	Benjinup BFB;
Brooks Evans and Anthony Hallett	Chowerup BFB;
Tristan Mead and Wayne Girando	Dinninup BFB;
John Ritson and James Johnston	East Boyup Brook BFB;
Michael Giles and Paul Goerling	Gibbs BFB;
Brad Skraha and Nick Bagshaw	Kenninup BFB;
Brad Fairbrass and Hayden Bock	Kulikup BFB;
Ben Creek and Chris Coole	Mayanup BFB;
David Fortune and Laurie Shine	McAlinden BFB;
Darren Chapman and Richard A (Jamie) Forbes	Mickalarup/Dwalganup BFB;
Marcus Gifford and Rob Introvigne	Nollajup BFB;
Charles Caldwell and Wayde Robertson	Scotts Brook BFB;
David Turner and Ronald Tuckett	Tonebridge BFB;
Colin Connop and David Muir	Tweed BFB;
Brian Cailles and Ross Parker	West Boyup BFB;
Gyula Bogar	DFES (Town Brigade)

4. For the 2020 -21 fire season Council appoints persons to be Fire Control Officers in the Shire of Boyup Brook, as follows:

Fire Control Officers:

David Inglis and Darren Guazzelli	Benjinup BFB;
Brooks Evans and Anthony Hallett	Chowerup BFB;

Gyula Bogar	(DFES) - Town;
Tristan Mead and Wayne Girando	Dinninup BFB;
John Ritson and James Johnstone	East Boyup Brook BFB;
Ron Bingham and Paul Goerling	Gibbs BFB;
Brad Skraha and Nick Bagshaw	Kenninup BFB;
Brad Fairbrass and Hayden Bock	Kulikup BFB;
Ben Creek and Chris Coole	Mayanup BFB;
David Fortune and Laurie Shine	McAlinden BFB;
Darren Chapman and Richard A (Jamie) Forbes	Mickalarup/Dwalganup BFB;
Marcus Gifford and Rob Introvigne	Nollajup BFB;
Charles Caldwell and Wayde Robertson	Scotts Brook BFB;
Ronald Tuckett and David Turner	Tonebridge BFB;
Colin Connop and David Muir	Tweed BFB;
Brian Cailles and Ross Parker	West Boyup BFB,
Kim Hales (McAlinden/Duranillin)	<u>Dual FCO - Shire of West Arthur</u>

in accord with Brigade and Bush Fire Advisory minutes, or written communications available to the administration.

Such that they might exercise on behalf of Council responsibilities and powers conferred upon a Fire Control Officer as prescribes by legislation as follows:

*Bush Fires Act 1954*

*Bush Fires Regulations 1954*

*Shire of Boyup Brook Bush Fires Brigade Local Law*

5. Directs the Acting CEO to have a notice of appointment published in a local newspaper of the Chief Fire Control Officer, Deputy Chief Fire Control Officers, Fire Weather Officers and Fire Control Officers for the Shire of Boyup Brook, and to issue each of these Officers with written confirmation of their appointment.

**CARRIED 7/0**

**Res 123/20**



## 10 COMMITTEE MINUTES

### 10.1 Rylington Park Transitional Committee – 25 June 2020

#### COUNCIL DECISION & OFFICER RECOMMENDATION - Item 10.1

MOVED: Cr O'Connell

SECONDED: Cr Oversby

That the unconfirmed minutes of the Rylington Park Transitional Committee Meeting held on Thursday 25 June 2020 be received by Council.

CARRIED 7/0

Res 124/20

### 10.2 Bush Fire Advisory Committee

#### COUNCIL DECISION & OFFICER RECOMMENDATION - Item 10.2

MOVED: Cr Alexander

SECONDED: Cr O'Connell

That the unconfirmed minutes of the Bush Fire Advisory Committee Meeting held on Tuesday 23 June 2020 be received by Council.

CARRIED 7/0

Res 125/20

## 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 Cr Price - Notice of Motion

#### MOVED INTO COMMITTEE

MOVED: Cr O'Connell

SECONDED: Cr Alexander

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.

CARRIED 7/0

#### MOVED OUT OF COMMITTEE

MOVED: Cr Moir

SECONDED: Cr Alexander

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

CARRIED 7/0

#### MOTION

MOVED: Cr Price

SECONDED: Cr Oversby

That Council considers in the 2020/21 Budget to install an electric vehicle recharging point within the Boyup Brook township.

LOST 1/6

Res 126/20

**12 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**

Nil

Vanessa Crispe, Darren King, Glenda Moroni, Carina Wilson, Neil Derrick and Glenda Moroni left the Chambers at 6.07pm.

**13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

<b>13.1 Appointment of CEO Recruitment Agency</b>
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**MOVED: Cr O'Connell**

**SECONDED: Cr Alexander**

**That the meeting move behind closed doors as it relates to a confidential matter.**

**CARRIED 7/0**

**MOVED INTO COMMITTEE**

**MOVED: Cr Price**

**SECONDED: Cr Alexander**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.**

**CARRIED 7/0**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr O'Connell**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 7/0**

**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 13.1**

**MOVED: Cr Alexander**

**SECONDED: Cr O'Connell**

That after considering a number of CEO recruitment agency options, Council determines to appoint Fitzgerald Strategies as their CEO recruitment service provider.

**CARRIED 5/2**

**Res 127/20**

**Requested for Vote to be recorded**

Cr Kaltenrieder requested that the vote of all Councillors be recorded.

**FOR**

Cr Walker

Cr O'Connell

Cr Price

Cr Alexander

Cr Oversby

**AGAINST**

Cr Kaltenrieder

Cr Moir

**MOVED: Cr O'Connell**

**SECONDED: Cr Alexander**

That the meeting move out from behind closed doors.

**CARRIED 7/0**

**14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 6.58pm.