



AGENDA

ORDINARY MEETING OF COUNCIL

to be held on

Wednesday, 15 June 2022 at 5:30pm

at the

**Shire of Morawa Council Chambers,
26 Winfield Street, Morawa**



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note:

Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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Contents

Item 1	Opening of Meeting	6
Item 2	Acknowledgement of Traditional Owners and Dignitaries	6
Item 3	Recording of Attendance	6
3.1	Attendance.....	6
3.2	Attendance by Telephone / Instantaneous Communications	6
3.3	Apologies	6
3.4	Approved Leave of Absence.....	6
3.5	Disclosure of Interests	6
Item 4	Applications for Leave of Absence	6
Item 5	Response to Previous Questions	7
Item 6	Public Question Time	7
6.1	Public Question Time	7
6.2	Public Statement Time	7
6.3	Petitions/Deputations/Presentations/Submissions	7
Item 7	Questions from Members without Notice.....	7
Item 8	Announcements by Presiding Member without Discussion.....	8
Item 9	Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting.....	8
Item 10	Confirmation of Minutes of Previous Meeting.....	9
Item 11	Reports of Officers	10
11.1	Chief Executive Officer	10
11.1.1	Actions Performed under Delegated Authority for May 2022	10
11.1.2	Commencement of Stage 2 Strategic Community Plan Consultation	14
11.1.3	WALGA Advocacy position on arrangements for the management of volunteer bushfire brigades	19
11.2	Executive Manager Corporate & Community Services	27
11.2.1	Statement of Financial Activity – May 2022.....	27
Item 12	Reports of Committees.....	31
12.1	Minutes of WALGA State Council Meeting held 04 May 2022	31
Item 13	Motions of Which Previous Notice Has Been Given.....	32
Item 14	New Business of an Urgent Nature	32
Item 15	Matters for Which the Meeting May Be Closed (Confidential Items)	32
Item 16	Closure.....	32
16.1	Date of Next Meeting	32
16.2	Closure	32

Item 1 Opening of Meeting

The President to declare the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elder's past, present and future, in working together for the future of Morawa.

Item 3 Recording of Attendance**3.1 Attendance****Council**

President (Presiding Member) Councillor Karen Chappel
Deputy President Councillor Ken Stokes
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Yvette Harris
Councillor Shirley Katona
Councillor Mark Coaker

Staff

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	Jackie Hawkins
Executive Manager Works and Assets	Paul Devcic

Members of the Public**3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

3.3 Apologies**3.4 Approved Leave of Absence****3.5 Disclosure of Interests****Item 4 Applications for Leave of Absence**

Item 5 Response to Previous Questions**Item 6 Public Question Time**

Important note:

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Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.’

6.1 Public Question Time**6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions****Item 7 Questions from Members without Notice**

Item 8 Announcements by Presiding Member without Discussion
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President's Meetings for the month of May 2022.

Date	Details of Meeting
2 May 2022	Stakeholder Engagement Presentation
3 May 2022	Cyclone Seroja Recovery Forum
3 May 2022	Rural West Board Meeting
4 May 2022	State Council Regional Meeting
5 May 2022	Meeting with Adrian Stuart
5 May 2022	WALGA Government Review Meeting
5 May 2022	AgriFuture rural women's awards
6 May 2022	Heads of Agencies Breakfast
6 May 2022	Mayors and Presidents Forum
9 May 2022	Meeting with Minister Bill Johnson MLA
11 May 2022	Local Government Convention Meeting
11 May 2022	SAC Delegates Meeting
12 May 2022	Growth Alliance Perth and Peel Meeting
12 May 2022	LGIS Board Meeting
12 May 2022	Shire of Morawa Agenda Settlement
13 May 2022	Leadership Matters: State Breakfast with Hon. Mark McGowan MLA
16 May 2022	Meeting with CBH
17 May 2022	Leadership Matters: Breakfast with Hon Anthony Albanese MP
19 May 2022	Audit and Risk Committee Meeting
19 May 2022	Shire of Morawa Council Meeting and Concept Forum
19 May 2022	LGIS Management Committee Meeting
24 May 2022	Morawa LEMC Meeting
26 May 2022	Briefing State Bushfire Advisory Council
27 May 2022	Reconciliation Breakfast- WALGA
27 May 2022	Challenging Change: International Women's Day Breakfast
30 May 2022	Desert Blue Connect Board Meeting

Item 9 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting
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The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 19 May 2022 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa’s secure portal to all Councillors on 23 May 2022.

OFFICER’S RECOMMENDATION

That Council confirm that:

1. the Minutes of the Ordinary Council Meeting held 19 May 2022 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.

Item 11 Reports of Officers**11.1 Chief Executive Officer****11.1.1 Actions Performed under Delegated Authority for May 2022**

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that they do not have any conflict of interest in relation to this item.

OFFICER RECOMMENDATION

That with respect to Actions Performed under Delegated Authority May 2022, Council:

- 1. Accept the Report.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To report back to Council, actions performed under delegated authority from the period 01 May 2022 to 31 May 2022.

DETAIL

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals;
- Building Permits;
- Health Approvals;
- One off delegations to the Chief Executive Officer;
- Dangerous Goods;
- Affixing of Common Seal;
- Other Delegations as provided for in the Delegations Register.

The following outlines the actions performed within the Shire relative to Delegated Authority from the period 01 May 2022 to 31 May 2022 ('the period') and are submitted to Council for information.

Bushfire

No delegated decisions were undertaken by Shire pursuant to bushfire matters during the period.

Caravan parks and campgrounds

No delegated decisions were undertaken by Shire pursuant to caravan parks and camping grounds during the period.

Common Seal

No Common Seal actions were undertaken by the Shire during the period.

Dangerous Goods Safety Act 2004

No delegated decisions were undertaken by Shire pursuant to Dangerous Goods Safety matters during the period.

Food Act 2008

No delegated decisions were undertaken by Shire pursuant to the Food Act matters during the period.

Hawkers, traders, and stall holders

No delegated decisions were undertaken by Shire pursuant to Hawkers, traders, and stall holders during this period.

Liquor Control Act 1988

No delegated decisions were undertaken by Shire pursuant to liquor matters during the period.

Lodging houses

No delegated decisions were undertaken by Shire pursuant to lodging house matters during the period.

Public Buildings

No delegated decisions were undertaken by Shire pursuant to public buildings matters during the period.

Septic Tank Approvals

No delegated decisions were undertaken by Shire pursuant to the Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent Waste) Regulations 1974 during the period.

Planning Approval

No delegated decisions were undertaken by Shire pursuant to *Planning & Development Act 2005* during the period.

Building Permits

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
6/5/2022	220398	Replace main dwelling roof- Cyclone Seroja Damage	26 Lloyd Sreet, Morawa	
26/05/2022	220401	Replace Patio and new concrete Footings- Cyclone Seroja Damage	1503 West Road, Pintharuka	
26/05/2022	220428	Build new shed	1012 Bell Road, Pintharuka	
31/05/2022	220427	Reclad front of dwelling and extend existing bedroom.	58 Gill Street, Morawa	

Other Delegations

No other delegated decision was undertaken by Shire pursuant to this category during the period.

LEVEL OF SIGNIFICANCE

Low – report provided to Council for information purposes.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Bushfire Act 1954

Dangerous Goods Safety (Explosives) Regulations 2007

Health Act 1991

Health Act 1911

Health (Public Buildings) Regulations 1992

Liquor Control Act 1988

Local Government Act 1995

Planning & Development Act 2005

Shire of Morawa Local Planning Scheme No. 2

Shire of Morawa Cemeteries 2018 - Local Law

Shire of Morawa Dogs 2018 - Local Law

Shire of Morawa Extractive Industries 2018 - Local Law

Shire of Morawa Fencing 2018 Local Law

Shire of Morawa Health 2004 - Local Law

Shire of Morawa Public Places and Local Government Property 2018 - Local Law

Shire of Morawa Meeting Procedures 2012 - Local Law

Shire of Morawa Waste 2018 - Local Law

Shire of Morawa Delegations Register (2020)

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications relating to this Item.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications relating to this Item.

ATTACHMENTS

Nil

11.1.2 Commencement of Stage 2 Strategic Community Plan Consultation

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION**That Council:**

- 1. Acknowledge the community engagement and work undertaken on the Strategic Community Plan major review so far**
- 2. Direct the CEO to commence Stage 2 Strategic Community Plan consultation based on the revised Vision with accompanying Aspirations and Strategic Focus Areas as depicted in the attached "Plan on a Page".**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council as the document owner to endorse the work done so far in relation to the major review of the Strategic Community Plan and approve the new Community Vision, Aspirations and Focus Areas for community consultation.

DETAIL

The Shire commenced the major review of the Strategic Community Plan in January 2022 with the aim of adopting a major review of the document by August 2022.

A key part of the review has been broad community consultation through surveys and face to face workshops. To ensure electors and ratepayers were informed of the review the Shire posted a notification letter (over 600 sent) with details of the workshops and surveys.

Overall, the Shire has received inputs from over 100 people aged from 8 to 80+. Overwhelmingly responses have come from resident ratepayers and female members of the community (65%).

The CEO provided the community with an engagement summary document (attachment 1) via the Shire snippets, website, and email to contributors in late April 2022.

The engagement support provided a summary of key themes/areas that the Morawa community provided commentary around. Namely:

- A reduction in crime, vandalism, graffiti, and other antisocial behaviours
- Everyone to have a positive attitude and talk more about the good things about Morawa
- More businesses especially those offering food and drink, and a social space
- Improved private property standards and generally pride in the townsite appearance
- Fun whole of community events and activities

- Arts and cultural exploits especially utilising the town’s indigenous culture
- Recycling and renewable energy use
- Allied health services and other wellbeing options
- Plants, trees, shade, and basic amenities around the townsite
- Options to keep tourists in town longer or for more of the year and improved accommodation options including an expanded caravan park
- Broader scope of education options – vocational, higher, early year, and mature age etc.
- The Shire to be a little more diverse and provide more information/information in a more accessible form
- Opportunities to keep young people and retirees in Morawa
- More recreational options ranging from community gardens and trails to motorbikes and diving boards
- General improvements to roads, drainage, footpaths, and particularly access roads and areas of safety concern
- Improved telecommunications
- Improved maintenance and activation of public use facilities

Subsequently the Shire CEO as the lead agent for the major review has worked to incorporate community inputs and best practice in terms integrated and strategic planning into a significantly modified Strategic Community Plan.

The next round of community consultation is aimed at solidifying the findings to date, gauging community sentiment around changes to the Vision and the new Aspirations and Focus Areas underwriting the new Plan.

The Vision

The current vision for Morawa was that by 2028 Morawa will be:

“A welcoming and inclusive community with diverse regional partnerships that have created a vibrant and growing economy.”

The community feels that the Morawa is welcoming and inclusive but work still needs to be done to reach the level targeted by the vision. Regional partnerships exist especially across local and state government organisations, but new and existing partnerships could be further enhanced.

The community are strong in their belief that Morawa still has a long way to go to create a vibrant and growing economy. Given the closure of a local mine, the aggregation of farmland, population decline, and the reduction in small businesses in the townsite many members of the community suggested a stagnation or decline had occurred as opposed to growth.

To some extent parts of the community believed a vision for a vibrant and growing economy a decade into the future was unattainable and the focus should be on ensuring the economy, businesses, infrastructure, and services are designed and operated to support a sense of liveability for the population and offer an opportunity for growth or investment into the future.

One of the major sentiments coming through the consultation process was that the Morawa “Community” and its “People” are generally viewed as the best and most unique things about living in Morawa. In recognising this, it is important that the revised vision considers the diverse demographics of the community and the value placed on time spent with each other.

The community engagement and feedback has resulted in a revised vision for Morawa in 2032:

“Morawa is a welcoming and inclusive community that embraces what makes it unique, offering variety and opportunity for all.”

The revised vision for Morawa incorporates aspects of opportunity and variety as well as the unique nature of the community and retains the goal to be as welcoming and inclusive as possible. Whilst the economy, growth and partnerships are still valuable to Morawa the end goal of the vision is about utilising these things to create variety, liveability, and enjoyment for all community members regardless of gender, age, culture, or economic status.

Aspirations

The Strategic Community Plan’s overarching vision can only be achieved by all groups, organisations, and community members contributing towards its success. To focus energy and efforts the vision has been separated into seven clear Community Aspirations with supporting strategic focus areas.

This new methodology represents a diversion from the previous plan that was more operationally focussed with objectives and action areas generally centring around the Shire’s sphere of control. The previous community plan had 4 pillars with associated objectives underpinned by 26 outcome areas with 87 support strategies – all in all this degree of detail goes beyond the Strategic nature of a community plan and blurs the line between the community aspiration and realistic delivery goals of the Shire through the corporate business plan.

In recognition of the Shire’s limited capacity and resources this Strategic Community Plan (2022-2032) endeavours to be a plan for all and moves away from operational or goals specific to the local government and looks more holistically at what the community aspires to be.

The aspirations and focus areas in the community plan are proposed to be:

- Create a sense of place for visitors
 - Factor the visitor experience into planning and design decisions
 - Develop and Implement a Tourism Plan
 - Embrace a commitment to excellent service
 - Ensure the townsite and its services are accessible to all
- Activate a vibrant small business sector
 - Facilitate and support small business
 - Encourage variety and competition
 - Maintain strong support systems and services
- Take pride in an aesthetically appealing townsite
 - Develop and implement a townsite greening plan
 - Enhance the appearance of homes, gardens, businesses, public buildings, and open spaces
 - Utilise public art
 - Celebrate our wins
- Embrace cultural and social diversity
 - Develop and implement an Arts and Culture plan
 - Champion inclusion and engagement
 - Invest in socialisation and belonging

- Promote positive aging in place across the community
- Cement strong foundations for growth and prosperity
 - Safe and suitable road and other transport networks
 - Ready to go commercial and industrial facilities
 - Enhance partnerships and alliances
- Occupy a Safe and Healthy living space
 - Build safer neighbourhoods
 - Occupy fit for purpose housing
 - Increase active living
 - Enhance health service provisions
- Future focussed in all we do
 - Ensure the shire and its assets are well resourced and sustainable
 - Embrace recycling and renewable energy
 - Foster passion and belief in younger residents

It is believed that these aspirations and strategic focus areas are targeted enough to aid the Shire and the community in achieving its vision without being too prescriptive in their nature to allow for innovation and passion to prevail in key energy areas as they change over the next decade.

The vision, aspirations and focus areas are depicted via the “Plan on a Page” attached.

The Shire will be targeting Stage 2 consultation as broadly as possible keeping questions short and to the point to minimise time commitments from community members.

The engagement will seek to fact check what has been heard in Stage 1 and also gauge how the proposed vision, aspirations, and focus areas resonate with the community.

LEVEL OF SIGNIFICANCE

Medium significance – The development of a new Strategic Community Plan (2022-2032) is more than just a compliance area it represents a significant reset in thinking for the Shire and community redirecting energy towards an achievable future state.

CONSULTATION

Council Forum

55 Survey responses

57 workshop attendees including schoolteachers and students, Shire staff, indigenous representatives, and other interested community members.

Engagement undertaken for the Tourism, Arts and Culture Plans undertaken by Element advisory with local businesses and regional entities.

LEGISLATION AND POLICY CONSIDERATIONS

All WA Local Governments are required to prepare a “Plan for the Future” under Section 5.56(1) of the Local Government Act 1995.

FINANCIAL AND RESOURCES IMPLICATIONS

All Strategic Community Plan engagement and drafting costs are budgeted for and the majority of the work to date has been done in-house which has led to significant cost savings compared to previous plans.

RISK MANAGEMENT CONSIDERATIONS

The aim of this report is for Council to support the vision and aspirations in their current format for the purpose of further community consultation. Active engagement at this stage will reduce the risk of community disengagement when the plan is formally adopted.

CONCLUSION

Significant engagement and development work has been undertaken in relation to the major review of the Strategic Community Plan. The Chief Executive Officer is seeking Council support for the draft vision, aspirations, and strategic focus areas to be associated with the revised strategic community plan to allow for further community consultation.

ATTACHMENTS

Attachment 1 – 11.1.2 “Plan on a Page” overview of vision, aspirations and focus areas

11.1.3 WALGA Advocacy position on arrangements for the management of volunteer bushfire brigades

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION**That Council:**

1. Request the WA Local Government Association (WALGA) to form a position to advocate for:
 - 1.1.1 Modernisation of Western Australian emergency services legislation, including alignment of the WA Bush Fires Act 1954 with the rest of Australia by removing the legislative requirement for WA Local Governments to manage Bush Fire Brigades;
 - 1.1.2 Option 4 of its "Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position" paper, being, "Transfer Responsibility for the management of all Bush Fire Brigades to the State Government, consistent with the arrangements in other States and Territories
 - 1.1.3 Provision of a legislated State Government department or agency to manage Rural Fire Services to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level, fully implementing recommendation 15 of the "Reframing Rural Fire Management" Report of the Special Inquiry Into the January 2016 Waroona Fire (Ferguson Report)
 - 1.1.3.1 The establishment of a Rural Fire Service must be done with full engagement with volunteer bushfire brigades, local governments, WALGA, and other State agencies to inform best practice.
2. Direct the CEO to respond to the question's posed in WALGA's advocacy position paper highlighting Council's position on the matter as per resolution 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to adopt a position to inform WALGA's advocacy position in relation to legislation and management practices affecting volunteer bushfire brigades.

DETAILBackground

On the 20 May 2022 the WALGA CEO wrote to all Local Governments to ascertain an understanding of the sectors sentiment in relation to the management of Volunteer Bushfire Brigades. WALGA have provided an Infopage and a Proposed Advocacy Position (both attached) to outline various issues and WALGA's current sector understanding.

The State Government is currently drafting the Consolidated Emergency Services Act, which consolidates the Fire Brigades Act 1942, Bush Fires Act 1954, and Fire and Emergency Services Act 1998 into a single piece of legislation, anticipated to be released as a Green Bill in early 2023. Therefore, consultation on a new Advocacy Position with respect to management of BFBs is timely. This represents a one in a generation opportunity to consider the best and most competent delivery of volunteer bush fire brigade services. Ensuring that WALGA is at the table in this review is critical to good outcomes for local government.

The Volunteer Bush Fire Brigades have been a vital part of the regional Western Australian emergency services fabric since 1954, in a formal legislated system, but before that in essence always there through unsupported volunteer service groups. Under the current Bush Fires Act 1954, s36 and s41, Local Governments are responsible for establishing, maintaining, and equipping bush fire brigades. Albeit the State Government has in place an Emergency Services Levy which provides a pre-existing source of funding administered by a State Government controlled entity that enables Local Governments to fund bushfire brigades.

Over time the State Government has increasingly mandated duty of care requirements to brigade members, and those charged with their management, to the point where under the new Workplace Health and Safety Legislation (Work Health and Safety Act 2020 (WHS Act) – DMIRS Overview Attached)) the duty of care of the employer now extends to the volunteers as well.

Risk

The management of bushfires represents one of the highest risk operations of a Local Government with risks present in various forms such as risks from permits, to brigade members, to community members, high intensity and dangerous working environments, various land boundary concerns, and an inherent unpredictability associated with fires.

The Shire CEO (author) has significant concerns in terms of the Shire's ability to control the operations of the bushfire brigades and risks associated with their activities without risking descent amongst the community and volunteers.

An example of this would be the State's recent Covid vaccination mandates, the CEO worked to ensure the Shire had the required information to satisfy the State and within a matter of weeks all Shire employees had provided the required information, however the volunteer brigade members were less forthcoming with information. Even now only 9 of the Shire's 42 registered volunteers have registered their vaccination status even with requests coming from the Shire President and Chief Bushfire Control Officer.

This demonstrates that when brigade members do not wish to comply with what they see as Shire bureaucracy they won't and although they are volunteers, they know the executive are on a tight rope trying to enforce compliance without damaging the district's ability to respond to fires. This balance will make enforcing risk management practices difficult especially given the new workplace health and safety landscape.

The new WHS Act now provides a clear separation between the entity and the person conducting a business undertaking (PCBU). In terms of a Local Government, Council is exempt from being a PCBU so the full weight of responsibility, accountability, and risk associated with the WHS Act sits with the executive team. Hefty fines 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. A sevenfold increase in the maximum fine is now applicable to executives along with a 20 year jail term.

For most business operations the executive team have actively worked to demonstrate a care for the safety of employees and exercise “due diligence” to comply with the new legislation as far as reasonably practical.

Over the last 12 months the CEO has raised the subject of the new legislation with the Bush Fire Advisory Committee and in February 2022 provided a more detailed overview of the implications for volunteer brigade members moving forward including a proposal to bring in inductions, mandatory training, hazard identification requirements, safe work method statements, and regular refresher training. This concept was met with resistance and the volunteers actively sought to minimise the impost on them.

This stance from the volunteers was understandable given their historic autonomy, the likelihood that extra process and paperwork would deter new volunteers and the extra workload may impact on their private enterprises. Unfortunately, the CEO’s duty of care responsibilities does not diminish in light of volunteer resistance and to not implement strong WHS actions in this area would create a disparity between the brigades and other Shire work areas. This is compounded by the fact that the inherent risks associated with firefighting are in many ways greater than the risks associated with other business operations such as gardening, office duties, depot management etc. – as such for the Shire not to implement strong safety practices for the brigades would demonstrate a lack of due diligence and a disregard for the known risks.

Local Governments are responsible for providing compensation for injury caused to present and former BFB volunteers because of their duties. Due to inherent risks and costs, the commercial insurance market ceased writing injury insurance for volunteers in 2012, therefore a self-insurance mutual scheme was implemented to ensure that Local Governments could continue to compensate its volunteers.

Since 2012, due to the high cost of claims, the aggregate limit of liability has increased from \$250,000 to \$750,000. In addition, the annual cost of insurance has nearly doubled (92%) from \$47.50 to \$91.20 per volunteer, and it is expected that this trend will continue. This suggests that more individuals are suffering injuries as a result of bushfire brigade operations which in turn highlights increased implications under the new WHS Act.

Cost increases of this type need to be weathered by the Shire year on year but of greater concern is the impending implications aligned to the recent Shackleton-Corrigin Bushfires and potential legislation from private insurers. This could push premiums up in other insurance areas and impact upon the general management of brigades in terms of permits and other operational responsibilities.

As well as the duty of care considerations for individuals, the WHS Act fines are also relevant to the entity, with the local government body now subject to an uninsurable fine up to \$10M, up 2.85 times from \$3.5M, for the most serious failures to comply. If the Shire is unable to effectively manage its duty of care requirements towards volunteer bushfire brigade members, then the financial implications could be severe and beyond the Shire’s budget capacity.

The WHS Act has brought WA in line with the rest of Australia, however WA is now at odds with the rest of Australia in terms of Local Governments having responsibility for volunteer bush fire brigades, in all other states it is a State Government responsibility.

Informing Analysis

Following the 2016 Waroona Yarloop bush fires the Public Sector Commission tasked a special inquiry led by Mr. Euan Ferguson AFSM into the matter. His report (attached) summarises, on page 18, the losses of these fires as follows:

“Tragically, during the fire, two residents of Yarloop lost their lives. The fire burned a total area of 69,165 hectares comprising 31,180 hectares of private property and 37,985 hectares of public land. One hundred and eighty one properties were destroyed. At time of writing, it is estimated that the cost of the fire, including the costs of suppression, losses, damage and recovery (including estimated insurance losses) totals approximately \$155 million.

In his report prologue (pg.12) he summarises his findings thus:

“It is my view that there exists a need to effect fundamental changes to the system of rural fire management in Western Australia. My conclusion, which has been very carefully considered, is that the current system for managing bushfire in Western Australia is failing citizens and the government.

The recommendations for change were provided in two categories; Strategic and Agency opportunities for improvement. 17 Recommendations and 23 Opportunity statements were made. Critical to the context of this Council Report, is Recommendation 15, which is about rural fire management and it recommends:

“The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:

- be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;
- have an independent budget;
- be able to employ staff;
- have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;
- be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;
- have responsibilities and powers relating to bushfire prevention, preparedness and response; and
- operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.

“In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.

“The State Government to review the creation of the Rural Fire Service two years after its establishment, to assess whether its structure and operations are achieving the intended outcome.

This recommendation has only been partially implemented and the independent entity with the capabilities and resourcing described in the recommendation is far from realization. This is in part because this requires legislative change, one that removes local government as the head of power. The opportunity for this change is now available with the review of the emergency services legislation.

The Proposed Morawa Position

Whilst the Shire of Morawa in theory has been responsible for the volunteer bushfire brigades for 70 years, the brigades have enjoyed a level of autonomy and freedom that has allowed them to operate as if they were a separate entity.

The Shire with the support of DFES and in partnership with three other Local Governments employs a Community Emergency Services Manager (CESM) tasked with providing a link between regulatory requirements and on ground emergency management operations. Given the CESM is spread across four Shire's they do not take operational responsibility for the volunteer brigades, instead aim to provide guidance, documentation, and training to the volunteers. The CESM is far better versed in emergency management and fire control than any of the Shire's executive team.

The Shire has a Bushfire Advisory Committee (BFAC), with a Chief Bushfire Control officer, permit officers, and various other roles. Whilst this committee structure provides for a hierarchy within the brigades it must be noted that all the roles remain voluntary and come as a secondary consideration to the individual's income generating or lifestyle decisions.

There is significant disparity between how the Shire runs the brigades and its other operational units, with the new WHS Act providing for volunteers to be treated as employees it put an emphasis on the Shire to rectify this disparity.

The prologue to the Ferguson Report provides an excellent description of the complexities of fighting bush fires and making judgment following the event (pg. 11):

“Hindsight is a wonderful thing. But we must act with disciplined caution when exercising this hindsight. It must always be remembered that those who were key players in this fire emergency were not afforded such luxury. Many individuals, be they citizens or members of agencies or in community teams, worked in extreme and challenging conditions. Many were hot, hungry, dehydrated and sometimes sick with worry and exhaustion. Dangers were ever present. Fast decisions had to be made with information that was incomplete and sometimes conflicting. There were many unknowns. People made decisions. Assumptions changed. Best laid plans failed. Teams used their initiative and adjusted. Even the most straightforward of tasks became complex. Emergency and essential services worked to create order out of chaos. Everyone worked against time and the progression of the fire.

“It would be easy to look at any shortcomings and be tempted to fall into the trap of finding fault and allocating blame. This must be resisted. In striving for excellence in bushfire emergency management, it must be recognised that there are many parts of the system: the fire, the weather, the terrain and the actions and reactions of people that are subject to sudden and unpredictable change. Under these conditions, much is unknown. Almost everything is shrouded by uncertainty. People make judgements and those judgements are not infallible. Errors can and do occur, despite the best intentions and best efforts of people.

While the Ferguson Report wasn't written with the aim of "finding fault and allocating blame", the new Work Health and Safety Act 2020 is. It is specifically designed and written to provide standards and responsibilities for health and safety, to provide a path for finding fault, allocating blame and then punishing those who are at fault. The implications of this new legislation in relation to fire management and local government provides a serious sector risk and needs to be fully acknowledged in any WALGA advocacy position in relation to the Emergency Services Legislation.

The new WHS Act requirements will likely force the CEO to choose between losing volunteers or risking a lack of safety diligence in the brigade and the personal risk of fines should an incident occur. It is the author's opinion that the new volunteer duty of care standard has brought into focus the fact that local government is no longer the right entity to be discharging the duty of care and the duty of provision of extreme risk bush fire management services in Western Australia.

In writing this report recommending State Government responsibility for volunteer bushfire brigades the CEO is asking Council to consider its duty of care requirements towards the Shire's executive team and the inherent risk they are put under trying to manage a volunteer entity that is against direct control and operates in a high-risk environment beyond the executives core business knowledge.

For Local governments there is a chasm between their risk management capabilities, expertise, control, financial support, and authority over volunteers for the extremely high-risk and complex activity of fighting bushfires. Currently, DFES actively assist many country local governments to manage bushfire brigades with local government effectively simply providing a legislative platform for the brigades existence, along with some administrative support, assets and land for VBFB facilities. DFES has expertise, knowledge, systems, training, support, control, and is much more capable in fighting fires than local government as an entity will ever be.

The disparate, disjointed management by individual local governments, may provide some tailored local focus, but it has no strategic, management expertise, operational expertise, coordination, or cohesiveness, nor State Government consistent operational budget funding outside of grants; despite now carrying safety expectations well above local government primary expertise and risk management capabilities.

To ensure the best possible outcome for all community members it is paramount that this essential service is managed by an agency with appropriate expertise, capabilities, and resourcing under the emergency services banner to adequately address and manage the risks associated with bush fires and support volunteers in this endeavor. As such the author recommends that all Bushfire Brigades be transferred to the State Government, as in other States and Territories, with the creation of a WA Rural Fire Service department either within or adjacent to Department of Fire and Emergency Services (DFES).

As an alternative way of viewing this issue, local governments would not be expected, or able, to competently manage the emergency services currently within DFES areas of responsibility. Nor would Local government manage ambulance services, and nor should they. These are matters outside of local government core business and expertise. As a risk response, government, agencies, and departments must operate within their core business and competencies. With a new focus on health and safety it is no longer appropriate that local government be required to operate in a highly specialized extreme risk area, when suitable alternatives exist, or should exist, as stated in the Ferguson Report.

It is not appropriate that the current hybrid responsibility sharing arrangement continue between Local Government and the State Government, for either historic or power sharing reasons. This will perpetuate the current mixed message and unclear lines of responsibility that comes from a legislative underpinning of volunteer bush fire brigades as local government entities, while management, training, funding, and operational support are provided through DFES. This will not ultimately be in the best interests of the volunteers and their ability to be supported in the important role they undertake in managing bush fire risk.

Several reports prior to the 2016 Ferguson report highlighted the need for improved collaboration and a streamlining across agencies without going as far as recommending an entity outside of local government and DFES to manage this service. Having a single entity will breakdown communication and process issues and should deliver an improved response for communities. By making a clear legislative change to ensure the State is responsible for all fire fighting activities in WA it removes all ambiguity and disparity across entities.

It is noted that in many cases volunteer bushfire brigade members may demonstrate resistance to moving under the control of a state entity. To some extent the brigades would prefer the autonomy that has come with local government management, however this concern can be countered by the fact that times are changing, and that Local Governments will need to increase their control and management functions substantially to ensure risk management and duty of care obligations are met.

Other concerns will likely be aimed at DFES and a lack of local knowledge and focus, these concerns are justified and would need to be actively addressed with brigades consulted during the drafting of new legislation. The proposed implementation of a state-run Rural Fire Service should work to provide a more detailed understanding of the complex nature of rural bushfires and a degree of separation from other emergency service functions associated with DFES.

Overall, this legislative review represents a once in a generation opportunity to have this matter addressed and give volunteer bush fire brigades the level of overarching support they need, through a State Government agency or department with new legislation designed to take over this role from local governments reducing the risk burden on local government and improving the service to communities.

LEVEL OF SIGNIFICANCE

Medium significance – The issue being considered is of high importance, but the nature of the report is to inform a sector wide advocacy position which reduces its significance to Morawa unless legislative changes are implemented.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Work Health and Safety Act 2020

Bush Fires Act 1954, s36 and s41. Provides for local governments to establish, maintain and equip bush fire brigades.

FINANCIAL AND RESOURCES IMPLICATIONS

The implications of having an advocacy position are nil.

If the proposed legislative change comes to pass it will likely result in the leasing or disposal of brigade property to the state, removal of brigade costs and ESL income from the budget, and the Shire undertaking more of an advocacy role on behalf of the broader community in relation to fire management issues as it does with other issues management by state or not for profit entities.

RISK MANAGEMENT CONSIDERATIONS

The report deals directly with specific risk matters.

In general, the recommendation of the report seeks to reduce risk to the Shire, executive team, and the community by providing an appropriately skilled and resourced state entity with overarching responsibility for rural fire management.

CONCLUSION

That Council consider the proposed advocacy position on the arrangements for the management of volunteer bushfire brigades considering the findings in the Ferguson report, the implications of the new WHS Act, and the general opportunities presented by legislative reform.

In recommending the legislative transfer of duties to the State and the implementation of a Rural Fire Service the author is asking Council to look beyond history and community sentiment and look to form an advocacy position that will benefit the Local Government entity and sector moving forward.

ATTACHMENTS

Attachment 1 – 11.1.3 WALGA InfoPage

Attachment 2 – 11.1.3 WALGA Advocacy Position Discussion Paper

Attachment 3 – 11.1.3 2016 Ferguson Report

Attachment 4 – 11.1.3 DMIRS Overview of Work Health and Safety Act 2020

11.2 Executive Manager Corporate & Community Services

11.2.1 Statement of Financial Activity – May 2022

Author: Corporate & Community Services Officer

Authorising Officer: Executive Manager Corporate & Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receive;

- 1) the Statement of Financial Activity for the period ending 31 May 2022.
- 2) the Bank Reconciliation Report for period ending 31 May 2022.
- 3) the attached List of Payments for the period ending 31 May 2022.
- 4) with respect to the Chief Executive Officer authorisations and reporting to Council;
4.1) information presented to this meeting in regard to NIL reimbursement applications made by the Chief Executive Officer for the period ending 31 May 2022

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The Statement of Financial Activity is prepared to provide Council with a comprehensive report on the financial position on a monthly basis.

The Statement of Financial Activity Report will include the Monthly Financial Report, Bank Reconciliation Report and the List of Payments made.

DETAIL

In accordance with the provisions of Section 6.4 of the *Local Government Act 1995* and Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*, a local government is to prepare each month a Statement of Financial Activity (***Attachment 1***) reporting on the revenue and expenditure as set out in the Annual Budget each month.

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,
- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual
- Net current assets

- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

As part of the monthly report a bank reconciliation report will be completed and included as **Attachment 2**. The summary of the report for 30 May is as follows:

Account	Balance
Municipal Account	2,025,368.51
Municipal Online Account	1,027,612.86
Trust Account	5,154.22
Reserve Account	4,115,257.74
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$9,273,393.33

Pursuant to Section 5.42 of the *Local Government Act 1995*, Council has resolved to delegate to the Chief Executive Officer the authority to make payments from the municipal and trust funds.

As a result of this delegation there is a requirement under the *Local Government (Financial Management) Regulations 1996* – Reg 13(3) for a list of payments to be prepared and presented to Council.

The list of accounts paid for the period 1 May 2022 to 31 May 2022 is presented as an attachment to this report (**Attachment 3**) and is summarised in the table below.

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	450,026.65
Municipal	Cheques No:	34,687.00
Municipal	Direct Debit Transactions	55,383.55
Municipal	Bank Transfers / Payroll / Other Payments	115,728.52
Municipal	Corporate Credit Cards	997.05
Trust	Electronic Funds Transfers (EFT)	0.00
	TOTAL	\$656,822.77

Reimbursement Applications

There have been \$0 of reimbursements claimed by the Chief Executive Officer during the month of May.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes only.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

OFFICER'S COMMENTS

The financial year is coming to an end therefore the financial report indicates the various projects and initiatives that have been undertaken throughout the year. There are variances which are due to a projects life extending beyond its scheduled time period.

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.42 *Local Government Act 1995* Delegation of some powers and duties to the CEO.

Section 2.7 of the *Local Government Act 1995* states:

Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Local Government (Financial Management) Regulations 1996

Regulations 34(1)

- (1) A local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) for each month.

Regulation 13

- (1) If the local government has delegated authority 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.
- (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

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

- Strategic Community Plan 2018-2028

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

FINANCIAL AND RESOURCES IMPLICATIONS

As presented.

RISK MANAGEMENT CONSIDERATIONS

The risks identified as part of this report being inaccurate information is mitigated by Council receiving financial statements on a monthly basis and in the form that is in accordance with the Local Government Act 1995 and associated regulations in the format called Statutory Reporting and is considered Low Risk.

CONCLUSION

Council is requested to receive the attached Statement of Financial Activity, the Bank Reconciliation report, the list of accounts paid by the Chief Executive Officer and the list of any work related expenses/reimbursements submitted by the Chief Executive Officer.

ATTACHMENTS

Attachment 1 – 11.2.1a Monthly Financial Report for the period ending 31 May 2022.

Attachment 2 – 11.2.1b Bank Reconciliation for the period ending 31 May 2022.

Attachment 3 – 11.2.1c List of Accounts Paid for the period ending 31 May 2022.

Item 12 Reports of Committees

12.1 Minutes of WALGA State Council Meeting held 04 May 2022

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

**That Council receive the Minutes of the WALGA State Council Meeting held 4 May 2022.
(Attachment 1 - 12.1)**

SIMPLE MAJORITY VOTE REQUIRED

Attachment 1 – 12.1 Minutes of WALGA State Council Meeting 04 May 2022

Item 13 Motions of Which Previous Notice Has Been Given

Item 14 New Business of an Urgent Nature

Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)

Item 16 Closure

16.1 Date of Next Meeting

The next ordinary meeting of Council will be held on Thursday, 21 July 2022 commencing at 5.30pm.

16.2 Closure

There being no further business, the President to declare the meeting closed.