

Shire of Lake Grace

Ordinary Council Meeting

# Minutes

22 June 2022

Meeting Commencing at 3:30 pm



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## Acknowledgement of Country

I begin today by acknowledging the Ballardong people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past, present and emerging.

I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Council Meeting held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 22 June 2022 commencing at 3:30pm.

### **1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 3:30pm welcomed the visitor Mr Andrew Walker.

### **2.0 CONSTITUTIONAL MATTERS**

#### **2.1 DISCLAIMER READING AND ACKNOWLEDGEMENT OF COUNTRY**

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council and Committee meetings or during formal and informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council and Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

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#### **Acknowledgement of Country**

I begin today by acknowledging the Ballardong people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past, present and emerging.

I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

**3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**3.1 PRESENT**

Cr LW Armstrong	Shire President
Cr R Chappell	Deputy Shire President
Cr DS Clarke	
Cr SG Hunt	
Cr BJ Hyde	
Cr AJ Kuchling	
Cr JV McKenzie	

**3.2 APOLOGIES**

Cr RA Lloyd

**3.3 IN ATTENDANCE**

Mr A George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mrs T Hall	Manager Corporate Services
Mr C Elefsen	Manager Infrastructure Services
Mr M Castaldini	Community and Emergency Services Manager
Mrs R Rose	Executive Assistant

**3.4 OBSERVERS / VISITORS**

Mr Andrew Walker	Community Member
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**3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Nil

**4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5.0 PUBLIC QUESTION TIME**

Nil

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

## **7.0 NOTATIONS OF INTEREST**

Nil

## **7.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

Nil

## **7.2 DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B**

Nil

## **7.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C**

Nil

## **8.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Application for Leave of Absence for personal time was received from Cr Ross Chappell for the period 6 July to 29 July 2022.

## **9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## **10.0 CONFIRMATION OF MINUTES**

### **10.1 ORDINARY COUNCIL MEETING – 25 MAY 2022**

#### **RESOLUTION 13589**

**Moved:** Cr Chappell

**Seconded:** Cr Hyde

That the Minutes of the Ordinary Council Meeting held on 25 May 2022 be confirmed as a true and accurate record of the meeting.

**CARRIED:** 7/0

### **10.2 SPECIAL COUNCIL MEETING**

Nil

### 10.3 ANNUAL MEETING OF ELECTORS

Nil

### 11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

### 12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL

Nil

### 13.0 REPORTS OF COMMITTEES

#### 13.1 SHIRE OF LAKE GRACE TOURISM ADVISORY COMMITTEE – 19 MAY 2022

##### RESOLUTION 13590

**Moved:** Cr Clarke  
**Seconded:** Cr Chappell

That the Minutes of the Shire of Lake Grace Tourism Advisory Committee meeting held on 19 May 2022 be accepted as a record of the meeting.

**CARRIED:** 7/0

### 14.0 REPORTS OF OFFICERS

Nil

#### 14.1 INFRASTRUCTURE SERVICES

Nil

#### 14.2 PLANNING


Nil

#### 14.3 HEALTH AND BUILDING

Nil

#### 14.4 ADMINISTRATION

**14.4.1 2022 LOCAL GOVERNMENT CONVENTION AND WALGA ANNUAL GENERAL MEETING (AGM)**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.:</b>	0029
<b>Attachments:</b>	TBA
<b>Author:</b>	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 June 2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

Council is being asked to confirm their attendance during the 2022 Local Government Convention and elect voting delegates and proxies for the WALGA Annual General Meeting.

Background / Comment

The 2022 Local Government Convention is an opportunity for Council Members not only to meet representatives from other local governments but also gather information/ideas on topical issues and trends in the community. This year the theme of the convention is “Embracing Change”.

The 2022 WALGA Convention will be held at the Crown Perth from Sunday 02 October to Tuesday 04 October 2022. The Gala Dinner is on Sunday 02 October 2022.

Council needs to nominate two (2) voting delegates for the WALGA Annual General Meeting which will be on Monday 03 October 2022. These delegates are normally the Shire President and the Deputy Shire President (if they are attending). Two (2) Proxy Delegates are to be nominated in case they are required.

Legal Implications

Nil

Policy Implications

Policy 1.6 Members Travel Expenses – Conferences  
 Definition: Conferences means conferences, conventions, congresses, study tours, seminars, forums, workshops, courses, meetings, deputations, information and training sessions and events related to local government held within Australia.



Policy: That Council will reimburse expenses incurred for attendance at conferences and Council endorsed business as follows:

That where possible, Councillor's travel and accommodation arrangements be made prior to departure with charges covered through the use of official Shire orders.

Where this is not possible, Council has adopted Schedule 1, Travelling, Transfer and Relieving Allowance of the Public Service Award 1992, as amended from time to time as the basis for reimbursing Councillors for expenses incurred for accommodation and travel. See Attachment 1.6 – Members Travel Expenses.

Details of the WALGA Convention is available via this link:

<https://walga.asn.au/news-events/what-s-on-events/upcoming-events/2022-wa-local-government-convention>

### Consultation

Internal Mr Alan George – Chief Executive Officer

### Financial Implications

For the time being, a total of six (6) rooms have been booked at the Crown Promenade and at this stage is calculated at the rate of \$199 per night x 3 nights x 6 rooms with a total of \$3,582 (room charge only). A sum of \$22,000 was allocated in the 2021/2022 budget for this type of conference expenses.

Among other expenses anticipated are the Gala Dinner and AGM Breakfast.

### Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027, particularly Outcome 4.1:

Leadership Objective	Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.1 A strategically focused, unified Council functioning efficiently
Strategies	4.1.1 Provide informed leadership on behalf of the community 4.1.2 Promote and advocate for the community and district 4.1.3 Provide strategic leadership and governance

### Voting Requirements

Simple majority required.

**RESOLUTION 13591**

**Moved: Cr Chappell**

**Seconded: Cr Hunt**

1. The following Council members be registered to attend the 2022 Local Government Convention and WALGA Annual General Meeting:

Cr Len Armstrong

Cr Jeff McKenzie

Cr Steve Hunt

Cr Ross Chappell



Cr Anton Kuchling

Chief Executive Officer – Mr Alan George

2. Voting members for the WALGA Annual General Meeting be the Shire President and the Deputy Shire President with Proxies being Cr Steve Hunt and the Chief Executive Officer.

**CARRIED: 7/0**

**14.4.2 NEWDEGATE CENTENARY CELEBRATIONS**

<b>Applicant:</b>	Newdegate Historical Society Inc., Centenary Projects Stephanie Clarke-Lloyd
<b>File No.:</b>	Nil
<b>Attachments:</b>	Email from Stephanie Clarke-Lloyd
<b>Author:</b>	  Mr Alan George Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	08 June 2022
<b>Senior Officer:</b>	  Mr Alan George Chief Executive Officer

Summary

The Newdegate Centenary Celebrations are being held over the long weekend in September 2022.

The Centenary committee are seeking a contribution of \$35,000 on top of the Newdegate Centenary Reserve funds held of \$32,399.93 to assist in the payment of the celebrations.

Background

Planning for the centenary has been underway for a number of years now with the Newdegate Historical Society being the main driver. The committee has been active in fund raising for the event with sponsorship being sought both locally and from outside sources.

A reserve was established by Council in the 2013/2014 financial year to assist with the funding of the event.

At the Ordinary Council Meeting of 27 October 2021, Council approved the release of funds from the reserve account to assist with early preparation costs for the centenary and to date none of these funds have been drawn down yet.

## Comment

To date, the following confirmed funds have been sourced by the organising committee to assist in the event funding on the day:

- Newdegate Community Crop \$50,000
- Kulin Community Bank \$15,000
- Regional Arts WA \$10,000
- Shire of Lake Grace \$32,343

Still pending – (all sponsors at \$10 - \$15k – and have all been approached):

- Bungy
- AFGRI
- CSPB
- Whitfert
- Dyson Jones

These funds do not include those required for the projects which are funded separately.

Lotterywest funding is still being negotiated and if approved will go towards a specific Hainsworth related project.

This is a big event for Newdegate and it coincides with the 50 year anniversary of the Newdegate Field Days this year.

By way of reference, the Lake Grace Centenary appears to have been funded by the Shire for \$108,911 over several years with \$11,645 in grant funds from Lotterywest.

## Legal Implications

Nil

## Policy Implications

Nil

## Consultation

External Ms Stephanie Clarke-Lloyd

## Financial Implications

There is currently \$32,399.93 sitting in the Newdegate Centenary Reserve.  
Provision for the request of \$35,000 will need to be included in the 2022/2023 budget.

## Strategic Implications

This request aligns with the Social Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027 specifically with Outcome 2.1 below.

Social Objective		A valued, healthy and inclusive community and life-style
Outcome	2.1	An engaged, supportive and inclusive community
Strategy	2.1.1	Community services and infrastructure meeting the needs of the district
	2.1.2	Maintain and support the growth of education, childcare, youth and aged services
	2.1.3	Actively promote and support community events and activities within the district

Voting Requirements

Simple majority required.

**RESOLUTION 13592**



**Moved: Cr Hyde**  
**Seconded: Cr Hunt**

That Council:

1. Approves the request from the Newdegate Historical Society Inc., for additional funding of \$35,000 towards costs of holding the Newdegate Centenary celebrations in September 2022. Provision is to be made in the 2022/2023 Shire of Lake Grace Annual Budget.
2. The funds are to be released upon presentation of an invoice.

**CARRIED: 7/0**

**14.4.3 LEGISLATIVE IMPACTS AND OPPORTUNITIES FOR VOLUNTEER BUSH FIRE BRIGADES – PROPOSED WALGA ADVOCACY POSITION**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.:</b>	Nil
<b>Attachments:</b>	Nil
<b>Author:</b>	 Mr Matt Castaldini Community Emergency Services Manager
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 June 2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Purpose

The purpose of this item is for Council to consider the adoption of an advocacy position as proposed by WALGA for the future management of local Bush Fire Brigades, namely transferring brigades to state government control.

Summary

- On 30 March 2022 the provisions of the new *Work Health and Safety Act 2020 (WHS Act 2020)* were enacted, clearly detailing the high standard with regards to duty of care that Persons Conducting a Business or Undertaking (PCBU) who are responsible for volunteers now carry.
- Emergency response is beyond the capacity, capability and resources of local governments.
- While Western Australian health and safety legislation is now in alignment with the rest of Australia, we are the only state where the rural firefighting capability does not sit with the State or Territory Government.
- The *WHS Act 2020* provides a new model of concurrent duty of care, detailing how local governments now have a concurrent duty of care to volunteer responders from neighbouring areas when they respond within our district and for our neighbours when our volunteers provide support to them. *The key challenge here is that there are no legislated state-wide standards for Personal Protective Clothing and Equipment being used or training standards.*

- The State Government has agreed on a review of the three (3) emergency services Acts, the Fire Brigades Act 1942, the Bush Fires Act 1954 and the Fire and Emergency Services Act of 1998, to create a single comprehensive Emergency Services Act to improve community safety and better support all of our emergency services workers into the future. This work is being undertaken by DFES. (<https://www.dfes.wa.gov.au/site/about-us/corporate-information/legislation/legislation.html>).
- This 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 undertake this role more effectively than under resourced local governments.
- 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, operational support and limited funding 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 for both our local communities and the state.
- WALGA has issued a Proposed Advocacy Position and Info Page which proposes a hybrid model allowing local governments to opt in or out of management of volunteer bush fire brigade models. A 6-week consultation is underway with the matter to be presented to WALGA State Council in September 2022, with responses required by 8 July 2022.

### Background

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 the heart of the unsupported community volunteer service groups. The continuation of this service by the volunteers, ensuring the continuity of the brigades along with the safety of the members, remain as the key priorities. Gone are the days of a group of farming neighbours fronting up to a fire, with the Shire sending down some crew with machinery to assist. Establishment of bush fire brigades replaced this loose affiliation in 1954 through the commencement of the Bush Fires Act with local governments being given responsibility to establish and run the brigades. Over time, the State Government has increasingly mandated duty of care requirements to the members and those charged with their management.

The Ferguson Report into the 2016 Waroona Fire highlights parallels that we have noted already such as the following summary comment from page 12;

*“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.”*

Several recommendations and opportunity statements were made in the report include specific items regarding the management of bush fire brigades and the perceived need to bring these brigades under state management in an effective and supportive manner.

The *WHS Act 2020* brings a suite of changes as our health and safety legislation is harmonised with the rest of Australia. For volunteer bush fire brigades, we generally talk to a few key points to help them understand how it impacts them, which is equally relevant here.

- Section 7: The meaning of the term 'Worker' and that it now defines volunteers as workers, in our case volunteer firefighters are workers of the Shire.
- Section 16: Concurrent duty of care provisions where more than one (1) person can have a duty at one time. (e.g. Farmer to their workers when a fire is on their property AND the Shire is in control of the fire, and Shire volunteers responding into neighbouring Shire to provide support).
- Section 19: Primary duty of care which we summarise to the requirement to train and equip workers for the task they are undertaking, or the situations they are entering or exposed to in the course of their 'work'.
- Section 28: Workers have a duty to follow and comply with the requirements set by the organisation with respect to the 'work' they are completing on their behalf.
- Section 47: Duty to consult with workers prior to the implementation of policies or directions given with respect to Work Health and Safety in the 'workplace'.

A key challenge for the local government derived from Section 16 is that as there is no consistent approach to the management of bush fire brigades across the state. One highlighted risk to local government is where either our responders support emergency response outside our boundaries or neighbouring volunteers enter our boundaries to provide support we have a legislated duty of care. The issue is worrying when we examine and compare personal protective clothing and equipment requirements, training requirements and standards, fire management practises and protocols from our neighbours to our own and identify the differences.

Some key features of the *WHS Act* are provided in the following extract from the "*Overview of Western Australia's Work Health and Safety Act 2020*" put out by the Department of Mines, Industry Regulation and Safety, and Worksafe (pg. 2):

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



Work Health and Safety Act 2020 - Duty of Care Failure and Penalties

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 2020* for significant breaches. A sevenfold increase in the maximum fine is now applicable to executives along with a 20-year jail term. The local government body is now subject to an uninsurable fine up to \$10M, up from \$3.5M.

Table 1. Maximum Penalties. Department of Mines, Industry Regulation and Safety, and Worksafe, "Overview of Western Australia's *Work Health and Safety Act 2020*", pg. 36.

**Maximum penalties for breach of health and safety duty offences**

Offence	Duty holder		
	Body corporate	Individual as a PCBU or officer	Individual as worker or other
Industrial manslaughter	\$10 000 000	\$5 000 000, 20 years in jail	Not applicable
Category 1	\$3 500 000	\$680 000, 5 years in jail	\$340 000, 5 years in jail
Category 2	\$1 800 000	\$350 000	\$170 000
Category 3	\$570 000	\$120 000	\$55 000

*Note: Where a penalty provides for a fine or term of imprisonment, the Court may impose a sentence that includes either or both penalties.*

**Exceptions (section 34)**

Volunteers are not liable for a failure to comply with a health and safety duty except in their capacity as a worker (section 28) or other person at a workplace (section 29).

The State Government has made crystal clear its overarching expectations regarding duty of care, including to volunteers. In doing so, however, it has raised a fundamental question about the appropriate provision of leadership and support for volunteer bush fire brigades in the extreme risk environment in which they operate.

Comment

Based on our current state and the low level of provision of personal protective clothing and equipment, I believe we could be liable for not fulfilling our Primary Duty to our volunteer 'workers'.

The fire and emergency services industry is evolving with health and safety concerns and practises that are common in the Perth metropolitan area not being communicated clearly to, or the protections been rolled out in rural areas. Key examples are the provision of helmets for the protection from falling tree limbs or debris and provision of respiratory protection equipment to minimise harm from the exposure to smoke, considered toxic and carcinogenic.

Volunteers are now considered the same as our Shire staff and as such, should be provided for. The proposed budget line items for the Bush Fire Brigades has been updated to, if approved, take steps to close the gap of issued safety equipment.

Additionally, we are actively taking measures to make training available to our volunteers to meet our primary duty of care.

Consultation was sought from and received from bush fire service volunteers of the Shire. Feedback received was entirely supportive of transitioning brigades and management to the 'State' with a primary concern around the liability and risk to the Shire that was deemed as unacceptable.

Concerns were raised as to the model of how services would be delivered in the new environment with key concerns being raised around issuing of Harvest and Vehicle Movement Bans, Restricted burning times and permits to burn. It was requested that these concerns be reflected in the resolution of council that is submitted to WALGA.

It was also noted from volunteers that the hybrid approach seemed fraught with danger due to the ability for different standards and requirements to be set across the state.

#### Legal Implications

Work Health and Safety Act 2020  
Bush Fires Act 1954

#### Policy Implications

Nil

#### Consultation

Internal                    Chief Executive Officer (CEO)  
                                  Chief Bush Fire Control Officer (CBFCO)  
                                  Deputy Chief Bush Fire Control Officer (DCBFCO)  
                                  Shire of Lake Grace Fire Control Officers Group

#### Financial Implications

There are significant financial implications to ensure active progression towards compliance with the WHS Act 2020 with respect to the management and operation of our Bush Fire Brigades.

It is important to note that this resolution demonstrate our position to WALGA, does not remove the financial implications until legislation is changed and/or brigade management is transferred to the state government.

- Supply of fit for purpose personal protective clothing and equipment for all Volunteers estimated at \$381,000.00 for initial issue for 254 registered volunteers at \$1,500.00 each. (Not all volunteers are registered yet, with our membership number expected to rise).
- Fair wear and tear replacement of personal protective clothing and equipment estimated at \$76,200.00 per annum for 254 volunteers
- Increasing insurance premiums through LGIS due to the high-risk rating. Personal accident and injury premiums are currently \$91.20 per volunteer and is expected to rise.

- A total cost of delivering a comprehensive training program to provide the required training for our volunteers is estimated at \$170,288 including catering and provision of training materials and resources. This does not include salaries, training contractor costs, travel and accommodation for volunteers, or emergency driver training for brigades with supplied fire appliances. The annual cost will be lower as not all the courses would be completed in one year.
- Fire Stations to be audited and renovated to the relevant building codes where required. (not undertaken).

Strategic Implications

This aligns with the Social Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Outcome 2.2 and Leadership Objective particularly Outcomes 4.1 and 4.2:

Social Objective		A valued, healthy and inclusive community and life-style
Outcome	2.2	A healthy and safe community
Strategy	2.2.3	Support provision of emergency services and encourage community volunteers
Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategy	4.1.1	Provide informed leadership on behalf of the community
	4.1.2	Promote and advocate for the community and district
	4.1.3	Provide strategic leadership and governance
Outcome	4.2	An efficient and effective organisation
Strategy	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements
	4.2.3	Provide a positive and safe workplace

Voting Requirements

Simple majority required.

**RESOLUTION 13593**

**Moved: Cr Hyde**


**Seconded: Cr Chappell**

That Council endorses:

1. The WALGA proposed advocacy position to the State Government for the: “Transfer - Responsibility for the Management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories”.
2. In addition to the WALGA position Option 4, the Shire of Lake Grace notes the following items of significance:
  - Key local stakeholders are included in legislation for the enactment of Harvest and Vehicle Movement Bans
  - Key Local stakeholders are included in decisions regarding amendment of Prohibited and Restricted Burning Times.
  - Key local stakeholders are utilised for the issuance of permits to set fire to the bush

**CARRIED: 7/0**

**14.4.4 APPOINTMENT OF FIRE CONTROL OFFICERS – SHIRE OF LAKE GRACE**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.:</b>	Nil
<b>Attachments:</b>	Nil
<b>Author:</b>	 Mr Matt Castaldini Community Emergency Services Manager
<b>Disclosure of Interest:</b>	Nil.
<b>Date of Report:</b>	13/06/2022
<b>Senior Officer:</b>	 Mr Alan George Chief Executive Officer

Summary

This report is to advise Council that persons have been appointed under Delegation O09 – Appointment of Officers Authorised under the Bush Fires Act 1954.

Background

The Bushfires Act 1954 gives the provision to appoint Fire Control Officers within the Local Government area for aiding with the control of fire and coordination of voluntary firefighters.

The Shire of Lake Grace have traditionally appointed nominated community members from BFAC, neighbouring Local Governments and staff as applicable to the role.

Comment

Following the Bush Fire Advisory Committee meeting in 30 March 2022, nominations have been accepted following a letter being mailed out confirming Fire Control Officers were willing to undertake training.

- Chief Bush Fire Control Officer – David Roberts
- Deputy Chief Bush Fire Control Officer – Brad Watson
- Deputy Chief Bush Fire Control Officer – Community Emergency Services Manager
- Senior Fire Control Officer West – Kevin Naisbitt
- Senior Fire Control Officer Central – Pete Walker
- Senior Fire Control Officer East – Hugh Roberts

Fire Control Officer – Doug Dunham	Fire Control Officer – Steven Davies
Fire Control Officer – Evan Wyatt	Fire Control Officer – Jorg Brinkmann
Fire Control Officer – Greg Carruthers	Fire Control Officer – Ben Hyde
Fire Control Officer – Ross Chappell	Fire Control Officer – Craig Newman
Fire Control Officer – Scott Strevett	Fire Control Officer – John Zurnamer
Fire Control Officer – Bill Lloyd	Fire Control Officer – Jason Sugg
Fire Control Officer – Tim Lloyd	Fire Control Officer – Lindsay Brownley
Fire Control Officer – Ian Lloyd	Fire Control Officer – Anthony Teale
Fire Control Officer – Aaron Guelfi	Fire Control Officer – Tyson De Landgraftt
Fire Control Officer – Gary Guelfi	Fire Control Officer – Rhys De Landgraftt
Fire Control Officer – Dean Rintoul	Fire Control Officer – Amanda Giles
Fire Control Officer – Ron Shalders	Fire Control Officer – Callun Tonkin
Fire Control Officer – Craig Shalders	Fire Control Officer – David Tonkin
Fire Control Officer – Geoff Richardson	Fire Control Officer – Chad Stanton
Fire Control Officer – Wes Hall	

### Legal Implications

Bush Fires Act 1954

#### **S.39A. Duties of bush fire authorities on outbreak of fire**

- (1) On the outbreak of a bush fire at a place within or adjacent to the district of a local government, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.
- (2) Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.
- (3) This section applies only to bush fires which —
  - (a) have been lit or are maintained unlawfully; or
  - (b) have occurred accidentally; or
  - (c) have ceased to be under control or are not adequately controlled; or
  - (d) are declared in the regulations to be bush fires to which this section applies.

#### **S.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.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (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;
  - (e) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (f) procuring the due observance by all persons of the provisions of Part III.

Policy Implications

Nil

Consultation

Internal            Mr Brad Watson – Chief Bush Fire Control Officer (CBFCO)

Financial Implications

Nil

Strategic Implications

This aligns with the Social Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Outcome 2.2 and Leadership Objective particularly Outcomes 4.1 and 4.2:

Social Objective		A valued, healthy and inclusive community and life-style
Outcome	2.2	A healthy and safe community
Strategy	2.2.3	Support provision of emergency services and encourage community volunteers
Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.2	An efficient and effective organisation
Strategy	4.2.3	Provide a positive and safe workplace

Voting Requirements

For information only and no voting is required.

**RESOLUTION 13594**

**Moved: Cr McKenzie**

**Seconded: Cr Hunt**

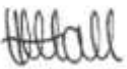

That Council acknowledge that persons noted have been appointed as a Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers, Senior Bush Fire Control Officers and Bush Fire Control Officers for the Shire of Lake Grace.

**CARRIED: 7/0**



**14.5 FINANCE**

**14.5.1 ACCOUNTS FOR PAYMENT – 30 MAY 2022**

<b>Applicant</b>	Internal Report
<b>File No</b>	0277
<b>Attachments</b>	List of Accounts Payable
<b>Author</b>	 Mrs Tegan Hall Manager Corporate Services
<b>Disclosure of Interest</b>	Nil
<b>Date of Report</b>	15 June 2022
<b>Senior Officer</b>	 Mr Alan George Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of May 2022.

Background

List of payments for the month of May 2022 through the Municipal account is attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12  
 Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards  
 Policy 3.7 - Purchasing Policy

Consultation

Nil

Financial Implications

The list of creditors paid for the month of May 2022 from the Municipal and Trust Accounts total \$1,101,001.90.

Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017-2027 particularly Outcome 4.2 below:

- Leadership Objective            Strong governance and leadership, demonstrating fair and equitable community values
- Outcome                            4.2    An efficient and effective organisation
- Strategy                            4.2.1    Maintain accountability and financial responsibility through effective planning
- 4.2.2    Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

**RESOLUTION 13595**

**Moved:            Cr Chappell**  
**Seconded:       Cr Kuchling**

That Council ratify the list of payments totalling \$1,101,001.90 as presented for the month of May 2022 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Electronic Funds Transfers	EFT23588 - EFT23680	\$1,021,260.34
Municipal Account Cheques	36998	\$558.19
Direct Debits	DD10009.1 – DD10045.9	\$79,183.37
	<b>TOTAL</b>	<b>\$1,101,001.90</b>

**CARRIED:        7/0**

# Shire of Lake Grace



## CERTIFICATE OF EXPENDITURE May 2022



This Schedule of Accounts to be passed for payment, covering

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
Electronic Funds Transfers	EFT23588 - EFT23680	\$1,021,260.34
Municipal Account Cheques	36998	\$558.19
Direct Debits	DD10009.1 – DD10045.9	\$79,183.37
	<b>TOTAL</b>	<b>\$1,101,001.90</b>

to the Municipal Account, totalling \$1,101,001.90 which were submitted to each member of the Council on 22 June 2022, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing's and the amounts shown are due for payment.

\_\_\_\_\_  
Alan George  
**CHIEF EXECUTIVE OFFICER**

**14.5.2 FINANCIAL REPORTS – 30 MAY 2022**

Applicant:	Internal Report
File No.	0275
Attachments:	Nil
Author:	 Mrs Victoria Fasano Finance Officer – Reporting and Investments
Disclosure of Interest	Nil
Date of Report	20 May 2022
Senior Officer	 Mr Alan George Chief Executive Officer

The Financial Reports for the month of May 2022 will not be available at this time due to some integration problems between Altus system and SnergySoft.


#### 14.6 COMMUNITY SERVICES

Nil

#### 15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

#### 16.0 INFORMATION BULLETIN – JUNE 2022

<b>Applicant:</b>	Internal Report
<b>File No.</b>	Nil
<b>Attachments:</b>	Information Bulletin Cover Page Only
<b>Author:</b>	<i>RRRose</i>  Mrs Racelis Rose Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	08 June 2022
<b>Senior Officer:</b>	  Mr Chris Paget Deputy Chief Executive Officer

#### Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

#### Background / Comment

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council. Copies of other relevant Councillor information are distributed via email.

The June 2022 Information Bulletin attachments include:

#### Reports:

- Infrastructure Services Report – May 2022
- Environmental Health Officer Report – Nil
- Lake Grace Visitor Centre Report – Nil
- Lake Grace Library Report and Statistics – Nil
- Lake King Library Report and Statistics – June 2022
- Newdegate Library Report and Statistics – June 2022

#### External Organisations

- Roe Tourism Association Minutes of General Meeting – 23 May 2022

Circulars, Media Releases, Newsletters, Letters:

- SHICC Public Health Bulletin No. 25 – 24 May 2022
- SHICC Public Health Bulletin No. 26 – 01 June 2022
- SHICC Public Health Bulletin No. 27 – 08 June 2022
- SHICC Public Health Bulletin No. 28 – 14 June 2022

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

This aligns with the Leadership Objective of the Shire of Lake Grace Strategic Community Plan 2017 – 2027 particularly Outcome 4.1 and Outcome 4.2 below:

Leadership Objective		Strong governance and leadership, demonstrating fair and equitable community values
Outcome	4.1	A strategically focused, unified Council functioning efficiently
Strategy	4.1.1	Provide informed leadership on behalf of the community
	4.1.2	Promote and advocate for the community and district
	4.1.3	Provide strategic leadership and governance
Outcome	4.2	An efficient and effective organisation
Strategy	4.2.1	Maintain accountability and financial responsibility through effective planning
	4.2.2	Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

**RESOLUTION 13596**

**Moved: Cr Chappell**  
**Seconded: Cr Hunt**

That Council accepts the Information Bulletin Report for June 2022.

**CARRIED: 7/0**

## 17.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S5.23 (2)

### RESOLUTION 13597

**Moved:** Cr Chappell  
**Seconded:** Cr Hyde

That Council meet behind closed doors at 3:54pm to consider the confidential item(s) in accordance with Section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015.

Item 17.1.1 Newdegate Country Club Extensions

This item and any attachments are confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995.

**CARRIED:** 7/0

The visitor Mr Andrew Walker left the Council Chambers at 3:54pm and did not return.

### RESOLUTION 13598

**Moved:** Cr Kuchling  
**Seconded:** Cr Hyde

That Council accept the recommendation contained in Item 17.1.1 – Newdegate Country Club Extensions.

**CARRIED:** 7/0

### RESOLUTION 13599

**Moved:** Cr Chappell  
**Seconded:** Cr Kuchling

That Council move from behind closed doors at 4:02pm to proceed with the meeting.

**CARRIED:** 7/0

## 18.0 DATE OF NEXT MEETING – 27 JULY 2022

The next Ordinary Council Meeting is scheduled to take place on Wednesday 27 July 2022 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

## 19.0 CLOSURE

There being no further business to discuss, the Shire President closed the meeting at 4:03pm.

**20.0 CERTIFICATION**

I, Leonard William Armstrong certify that the minutes of the Ordinary Council Meeting held on 22 June 2022 as shown were confirmed as a true record of the meeting.

  
Signature

27 July 2022  
Date