



AGENDA

Special Council Meeting

1 February 2022

6:00pm

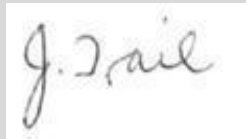
**Kambalda Recreation Centre, Barnes Drive,
Kambalda**

SHIRE OF COOLGARDIE

NOTICE OF

Dear Elected Member

The next Special Council Meeting of the Shire of Coolgardie will be held on Tuesday 1 February 2022 commencing at 6:00pm.

A rectangular box containing a handwritten signature in black ink that reads "J. Trail".

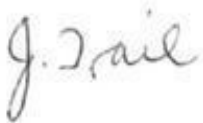
CHIEF EXECUTIVE OFFICER

SPECIAL COUNCIL MEETING**1 February 2022**

Welcome to the Special Council Meeting of the Shire of Coolgardie.

The dates, times and locations of the Ordinary Council Meetings for 2022 are listed hereunder.

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Venue</u>
Tuesday	January 2022	NN/A	-
Tuesday	22 February 2022	6.00pm	Kambalda
Tuesday	22 March 2022	6.00pm	Coolgardie
Tuesday	26 April 2022	6.00pm	Kambalda
Tuesday	24 May 2022	6.00pm	Coolgardie
Tuesday	28 June 2022	6.00pm	Kambalda
Tuesday	26 July 2022	6.00pm	Coolgardie
Tuesday	23 August 2022	6.00pm	Kambalda
Tuesday	27 September 2022	6.00pm	Coolgardie
Tuesday	25 October 2022	6.00pm	Kambalda
Tuesday	22 November 2022	6.00pm	Coolgardie
Tuesday	20 December 2022	6.00pm	Kambalda



James Trail
Chief Executive Officer

DISCLAIMER

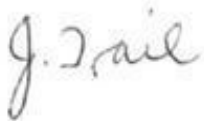
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.



James Trail
CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer prior to 2:30pm on the day of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

- Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).
- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
- (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

2. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries within ten (10) working days after the Meeting.

NOTE:**10.3 Unopposed Business**

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

Order Of Business

1	Declaration of Opening / Announcement of Visitors	11
1.1	Welcome to Country Announcement	11
2	Declaration of Council Members	11
3	Record of Attendance / Apologies / Approved Leave of Absence.....	11
4	Declarations of Interest	11
4.1	Declarations of Financial Interests – Local Government Act Section 5.60A	11
4.2	Declarations of Proximity Interests – Local Government Act Section 5.60B.....	11
4.3	Declarations of Impartiality Interests – Administration Regulation 34C	11
5	Public Question Time	11
6	Applications for Leave of Absence	11
7	Confirmation of Minutes of Previous Meetings.....	11
8	Petitions / Deputations / Presentations / Submissions	11
9	Reports of Committees.....	11
	Nil	
10	Reports of Officers	12
10.1	Executive Services.....	12
10.1.1	Local Government Act Reform - November 2021 Proposals	12
10.1.2	RFT 05-2021 - Provision of Workers Accommodation Villages - Coolgardie and Kambalda	14
10.1.3	Covid Strategy	19
11	New Business of an Urgent Nature Introduced by Decision of Meeting	24
11.1	Elected Members.....	24
11.2	Council Officers	24
12	Closure of Meeting.....	24

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 WELCOME TO COUNTRY ANNOUNCEMENT**

“The Shire of Coolgardie acknowledges the Traditional Owners of the land, on which we meet and pay our respects to Elder’s past, present and emerging”

2 DECLARATION OF COUNCIL MEMBERS

The Shire President to invite Council Members to declare that they have read the agenda and supporting documents and able to make informed decision on all matters accordingly.

3 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**4 DECLARATIONS OF INTEREST****4.1 Declarations of Financial Interests – Local Government Act Section 5.60A****4.2 Declarations of Proximity Interests – Local Government Act Section 5.60B****4.3 Declarations of Impartiality Interests – Administration Regulation 34C****5 PUBLIC QUESTION TIME****6 APPLICATIONS FOR LEAVE OF ABSENCE****7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS****9 REPORTS OF COMMITTEES**

Nil

10 REPORTS OF OFFICERS**10.1 Executive Services****10.1.1 LOCAL GOVERNMENT ACT REFORM - NOVEMBER 2021 PROPOSALS**

Location:	All areas
Applicant:	NA
Disclosure of Interest:	Nil
Date:	20 January 2022
Author:	Steven Tweedie, Consultant

SUMMARY

The State Government's ongoing legislative reform package for the Local Government (LG) sector continues with a range of fresh proposals.

BACKGROUND

In November 2021 the Hon Minister announced the next tranche of proposed reforms to local government - <https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/11/Major-local-government-reforms-released-for-public-consultation.aspx> with key elements:

- Earlier intervention, effective regulation, and stronger penalties,
- Reducing red tape, increasing consistency and simplicity,
- Greater transparency and accountability,
- Stronger local democracy and community engagement,
- Clear roles and responsibilities; and
- Improved financial management and reporting.

Comment is open to the LG sector until March 2022.

Western Australia Local Government Association (WALGA) has offered preliminary views and awaits sector input before finalising its submission.

LG Pro has also offered preliminary views and awaits sector input before finalising its submission.

COMMENT

The attached matrix summarises the proposed legislative changes, WALGA's preliminary views and the recommended approach of the Shire of Coolgardie (SoC).

CONSULTATION

Council via Briefing Forum presentation
CEO and Executive employees

STATUTORY ENVIRONMENT

Local Government Act 1995 and Regulations

POLICY IMPLICATIONS

There are no direct policy implications of the Recommendations at this stage, as they are only views to be put to WALGA and the Minister, their adoption may have policy (and other) implications.

FINANCIAL IMPLICATIONS

There are no direct financial implications of the Recommendations at this stage, as they are only views to be put to WALGA and the Minister, their adoption may have financial (and other) implications.

STRATEGIC IMPLICATIONS

There are no direct strategic implications of the Recommendations at this stage, as they are only views to be put to WALGA and the Minister, their adoption may have strategic (and other) implications.

ATTACHMENTS

1. **Proposed Local Government Act Reforms - November 2021 - Shire of Coolgardie - February 2022**

VOTING REQUIREMENT

Simple majority

SPECIAL COUNCIL RESOLUTION AND OFFICER RECOMMENDATION

That Council RESOLVE to advise the Department of Local Government, and WALGA of its views in relation to the proposals announced in November 2021 in the terms described in the matrix attached to the Report.

10.1.2 RFT 05-2021 - PROVISION OF WORKERS ACCOMMODATION VILLAGES - COOLGARDIE AND KAMBALDA

Location: Shire Coolgardie
Applicant: N/A
Disclosure of Interest: None
Date: 27 January 2022
Author: James Trail, Chief Executive Officer

SUMMARY

That Council declines to accept any tenders for RFT05-2021 – Provision of Workers Accommodation Villages – Coolgardie and Kambalda.

BACKGROUND

The Shire of Coolgardie issued a Request for Tender for the Supply and Installation of Workers Accommodation Villages at Coolgardie and/or Kambalda on a Lease and/or Lease/Buy Basis (RFT).

The RFT was issued on an invitation only basis, based on the evaluation and prequalification of the invited suppliers following on from the open market EOI 02/2021 Workers Accommodation Villages.

Scope

The Shire of Coolgardie (the Shire) previously sought proposals on an Expression of Interest basis for the supply of accommodation units, dry mess, recreation room, meeting room, village administration office, small gym and ancillary requirements for village type accommodation in Coolgardie and Kambalda.

This RFT invited the shortlisted and prequalified EOI proponents to participate in this RFT.

The shortlisted Tenderers were invited to submit a response to RFT for the manufacture, source, supply and installation of:

- a) a 300 room worker accommodation village in Coolgardie (Coolgardie Village Works);
- b) a 200 room worker accommodation village in Kambalda (Kambalda Village Works);

on a lease or lease/buy option on the basis as set out in the RFT Scope of Works.

To assist with scheduling and timely completion of the Works, the scope was broken down into a number of separable portions and the Shire reserved the right to separate portions from the Works as set out in the Scope of Works.

The scope of works is broken down into the following Separable Portions for both the Coolgardie and Kambalda Village Works:

- a) Separable Portion 1: Camp Supply
- b) Separable Portion 2: Site Preparation
- c) Separable Portion 3: Supply and Install Power
- d) Separable Portion 4: Supply and Install Water and Sewerage
- e) Separable Portion 5: Freight and delivery;
- f) Separable Portion 6: Placement and Installation at site, including craneage, installation, tie-ins and connections;
- g) Separable Portion 7: Ancillary Camp Works.

Separable Portion 1 was mandatory for participation.

Tenderers were required to confirm:

- a) the financial basis of their pricing offer – whether lease and/or lease/buy; and
- b) whether Tenderers were submitting offers for either or both Coolgardie Village Works and Kambalda Village Works.

Given short time frames on demand for village accommodation, the Shire reserved the right to award Separable Portions 1 of the Works (Supply of the Village Accommodation units at Coolgardie and Kambalda respectively) to different Tenderers, subject to the best value for money considerations as set out in the RFT.

Given the critical demand on accommodation it was the expectation of the Shire that the invited Contractors would be in a position to deliver and/or install village type accommodation promptly. At the time of the RFT, the Coolgardie Accommodation Village was noted as the scope of works to be prioritised.

Furthermore, there was a high expectation by the Shire that local contractors will be engaged to assist in various aspects of the installation of the village type accommodation.

The following items are of note with respect to the RFT:

- a) It was mandatory for Tenderers to provide a proposal with respect to Separable Portion 1 of the Coolgardie Village Works and/or Kambalda Village Works.
- b) Separable Portions 2 – 7 were not mandatory for participation.
- c) Please note that the primary pricing basis is lease and/or lease/buy of the camp and ancillary equipment supply. The camp and ancillary equipment supply may not be offered on a purchase/sell basis.

COMMENT

Three organisations were invited to tender for the Supply and Installation of Workers Accommodation Villages at Coolgardie and/or Kambalda on a Lease and/or Lease/Buy Basis.

The tenders were assessed against meeting the requirements with respect to compliance, qualitative criteria and pricing criteria. In terms of the assessment against the selection and other criteria, a supplier appeared to deliver the best value for money outcomes for the Shire of Coolgardie for the complete scope of works. The supplier indicated that;

- a) they will be able to complete the purchase of the required second-hand unit's ex Eastern States;
- b) should they be awarded the scope of works for both camps that they will be able to secure the shortfall from internal village stock;
- c) in order to manage and meet the project schedules and timelines, being in control of the complete works and related contractors (whether contracted directly or via the Shire);
- d) they will be able to deliver, commission and handover the Coolgardie village accommodation by a proposed timeline; and
- e) they will be able to deliver, commission and handover the Kambalda village accommodation by a proposed timeline.

The following criteria were mandatory for participation in the RFT:

- a) It was mandatory for Tenderers to provide a proposal with respect to Separable Portion 1 of the Coolgardie Village Works and/or Kambalda Village Works.
- b) The primary pricing basis is lease and/or lease/buy of the camp and ancillary equipment supply. The camp and ancillary equipment supply may not be offered on a purchase/sell basis.
- c) Alternative tenders would only be considered in the event where a Tenderer submitted the alternative tender accompanied by a conforming Tender.

MANDATORY REQUIREMENT		Supplier 1		Supplier 2		Supplier 3	
It is mandatory for Tenderers to provide a proposal with respect to Separable Portion 1 of the Coolgardie Village Works and/or Kambalda Village Works.		Coolgardie	Yes <input checked="" type="checkbox"/>	Coolgardie	Yes <input checked="" type="checkbox"/>	Coolgardie	Yes <input checked="" type="checkbox"/>
		Kambalda	Yes <input checked="" type="checkbox"/>	Kambalda	Yes <input checked="" type="checkbox"/>	Kambalda	No <input checked="" type="checkbox"/>
Please note that the primary pricing basis is lease and/or lease/buy of the camp and ancillary equipment supply. The camp and ancillary equipment supply may not be offered on a purchase/sell basis.	Option to lease for a minimum of 5 years, with an option to extend for a further 5 years	Coolgardie	Yes <input checked="" type="checkbox"/>	Coolgardie	Yes <input checked="" type="checkbox"/>	Coolgardie	No <input checked="" type="checkbox"/>
		Kambalda	Yes <input checked="" type="checkbox"/>	Kambalda	Yes <input checked="" type="checkbox"/>	Kambalda	No <input checked="" type="checkbox"/>
	Option to lease/buy over a minimum period of 5 years, with option to extend for a further 5 years	Coolgardie	No <input checked="" type="checkbox"/>	Coolgardie	Yes <input checked="" type="checkbox"/>	Coolgardie	No <input checked="" type="checkbox"/>
		Kambalda	No <input checked="" type="checkbox"/>	Kambalda	No <input checked="" type="checkbox"/>	Kambalda	No <input checked="" type="checkbox"/>

The preferred supplier has been unable to secure the purchase of village accommodation for either Coolgardie or Kambalda to enable them;

- a) to deliver, commission and handover the Coolgardie village accommodation by the proposed timeline submitted in their tender ; and
- b) to deliver, commission and handover the Kambalda village accommodation by the proposed timeline submitted in their tender

Consequently, Shire staff are recommending to Council that they decline to accept any tenders for RFT05-2021 – Provision of Workers Accommodation Villages – Coolgardie and Kambalda.

Furthermore, it is proposed that the provision of Workers Accommodation in the Coolgardie Townsite is unlikely to proceed.

It is proposed by Shire staff to call for tenders for the Provision of Workers Accommodation Village Kambalda. Shire staff intend to ensure that the issue raised by the community around lack of detail and design is included in the tender documents.

CONSULTATION

Staff

Contractors

Council

STATUTORY ENVIRONMENT**18. Rejecting and accepting tenders**

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications of the recommendation to Council is not significant. The re tendering for the provision of accommodation village for Kambalda will be covered from funds already available in the 2021/2022 Budget.

STRATEGIC IMPLICATIONS

A thriving local economy

Encouraging and attracting new investment and advocating for local employment

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

SPECIAL COUNCIL RESOLUTION AND OFFICER RECOMMENDATION

That Council declines to accept any tenders for RFT05-2021 – Provision of Workers Accommodation Villages – Coolgardie and Kambalda

10.1.3 COVID STRATEGY

Location: Shire Coolgardie
Applicant: Nil
Disclosure of Interest: None
Date: 28 January 2022
Author: James Trail, Chief Executive Officer

SUMMARY

That the Council

1. Receive the COVID Strategy Report and note its obligations pursuant to:
 - (a) - WA Health Directions; and
 - (b) - Occupational Safety and Health Act 1984.

BACKGROUND

On 20th January, the WA Premier announced he will no longer reopen the state borders on 5th February. The Premier indicated that it is no longer safe, reasonable or responsible to reopen as planned due to Omicron. The Premier wants to see the rate of third dose vaccinations reach 80-90% before reopening the borders (the current rate of third doses is more like 27%).

The East Coast experience of infection rates and testing numbers, which has:

- interrupted businesses and supply chains; and
- deteriorated capacity of hospitals;

has scared the Premier off the February reopening.

Reopening the WA state borders during peak Omicron case numbers on the East Coast was considered reckless and will be reviewed by the Premier within a month.

Restrictions including lockdowns are designed to slow the spread of COVID infections to buy time to increase vaccination rates. Government public health considerations and decisions are a direct response to current conditions, which are evolving daily. Restrictions that have minimum impact on the reduction of infections and significant impact on society are unlikely to be used again. Public health officials are moving their COVID policies to reflect a society living with the virus.

COMMENT**COVID Vaccine Mandates**

There are several factors to consider as the Shire decides on mandating COVID vaccination for staff, volunteers, contractors and users of services and facilities including:

- State Government's Health Directions;
- Occupational Safety and Health Act 1984;
- Local context and community service needs;
- Staffing needs and workplace requirements; and
- Orderly, effective and efficient planning and management of resources and work/tasks.

Health Directions

Based on the latest health advice, the WA Government has introduced a mandatory COVID-19 Vaccination Policy for a majority of occupations and workforces in WA which will be introduced in a phased approach.

The Policy follows on from the existing mandates for workers in high-risk industries, including those interacting with people at an increased risk of being infected with COVID-19, or people who are vulnerable to the impacts of COVID-19, or where it is necessary to avoid catastrophic risk to the safety of the community.

The Policy's phased approach is to apply mandatory COVID-19 vaccinations for expanded industries in WA, as well as a requirement for all critical workers to be vaccinated to attend work in the event of a lockdown or similar restrictions.

Group 1 industries have been determined to have high transmission risk, vulnerability risk or are necessary or critical to the safety of the community and needed to be fully vaccinated by 31 December 2021.

Group 2 industries and workforce have been deemed as critical to the ongoing delivery of critical services to the community and are required to be fully vaccinated by 31 January 2022.

A third group applies to industries and workforce that will be required to be fully vaccinated to attend work "in the event of a lockdown" or similar restrictions. These workers will be required to be fully vaccinated to leave home to attend work to decrease transmission risk and prevent the impact on the delivery of these services.

All Shire staff fall within the State's Health Directions, with some staff being covered by more than one category.

Complementary Protection Measures

Vaccinations alone are not the answer to fighting the spread of COVID. In addition to mandating vaccination, the Shire will need to implement complementary protection measures including mask wearing, physical distancing and good hygiene.

The Shire will monitor and take the lead from the State's Health Directions as well as local community infections and respond accordingly to ensure ongoing safety of its staff and community members using/visiting Shire services/facilities.

COVID Safety Plans

The Shire has COVID Safety Plans for its services/facilities. The COVID Safety Plans will be updated on a regular basis to reflect the COVID protection measures in place.

Occupational Safety and Health Act

The Occupational Safety and Health Act 1984 (the Act) provides a framework to protect the health, safety and welfare of workers in WA workplaces, and of other people who might be affected by the work. The Shire has significant obligations under the Act to provide a safe workplace for its employees, volunteers, contractors and users of services and facilities. These obligations will inform the Shire's considerations of COVID matters including mandating vaccination. The Act requires the Shire to consult its employees in relation to the proposed COVID safety measures.

Consultation

The Shire's CEO forwarded a letter to all staff (16th November 2021) detailing the Shire's response to the State's Mandatory COVID-19 Vaccination Policy and inviting staff to confirm the vaccination status. As of 24th January all Shire employees except one have confirmed their vaccination status. The CEO has commenced discussions with the employee in relation to their role and the need to be vaccinated.

The Shire will continue consultation with staff and provide assistance to affected employees as required. All unvaccinated staff will be individually consulted in relation to the requirements of their role and the importance for them to be vaccinated. Where possible the roles will be considered and amended to enable continued employment. Where all options have been exhausted and there is no way for the role to be performed by the unvaccinated employee it may lead to dismissal.

The State Health Directions provide a formal exemption process for those who qualify. The unvaccinated staff will be invited to consider the exemption process.

Community sport and school-based events, unless at one of the specific venues listed, are exempt from the proof of vaccination requirement.

* This category will most likely include sections of the recreation centre which are used for exercise/fitness-type activities, such as fitness classes, which will be clarified further with the release of the updated State Health Directions.

Patrons will be required to show proof of their COVID-19 vaccination, either in a digital or paper form, along with approved identification if not using the ServiceWA app.

Venues, staff and patrons have a shared responsibility when it comes to proof of vaccination, with venues required to take reasonable steps to ensure all patrons are double-dose vaccinated or exempt.

Similar steps were taken in other states, except council facilities including community centres, recreation centres and swimming pools were all included in the Health Directions and therefore vaccinations were mandated for all users and visitors.

To ensure ongoing safety and protection from COVID infections the Shire will consider mandating vaccination for all those using/visiting Shire services and facilities.

The CEO will also need to implement simple and effective enforcement measures for validation of mandated vaccinations that do not take up too much time and resources and are generally convenient and not obtrusive to the general public.

Vaccination of Councillors

With the mandating of vaccinations being extended to all staff and community using Shire services and facilities, it makes sense to also extend the vaccination mandate to the Shire's Councillors. This will be a strong example by the Shire's leadership team for the community still considering whether they should get vaccinated. Failing to extend the vaccination mandate to Councillors is likely to attract adverse reaction and criticism from the community.

Rapid Antigen Tests

Once governments have secured supply of rapid antigen tests, they will be made freely available to concession cardholders (10 per three months). The RATs are key to keeping staff at work, while keeping the users of Shire services safe and reducing the burden on the healthcare system.

The WA State Government will be:

- releasing guidelines for the use of RATs shortly; and
- introducing Health Directions around the use of RATs, reporting of results and isolation in due course.

The Shire will need to consider and adopt a standard operating procedure for the use of rapid antigen tests in the workplace, which may be extended to employees working with:

- children – delivering recreation/aquatic programs/activities to children under the age of 16 (most of who may be unvaccinated);
- vulnerable – delivering programs/activities involving members of the Aboriginal community; and
- aged/frail – delivering Meals-on-Wheels for the aged and disabled members of the community.

It should also be noted that RATs should only be used:

- with other measures designed to stop the spread including social distancing, mask wearing and good hygiene;
- when there is local community spread of COVID infections that is of concern; and
- where employees are exposed to high-risk environments with:
 - o high face-to-face interaction; and
 - o vulnerable/aged/frail members of the community.

This should only impact a small number of Shire employees.

Conclusion

The various WA Health Directions have been handed down at a time when there is minimum COVID infection in the community. It is highly likely that these Health Directions will be tightened overtime, as the number of COVID infections in the community grows.

The Government's considerations and decisions are driven by the latest data, including community infections and hospitalisations. While having regard for the Health Directions the Shire must also take into consideration its obligations as an employer under the Occupational Safety and Health Act. It is under this Act that the Shire considers the prevailing risk its employees are operating in and developing strategies to mitigate that risk.

With almost non-existent community infections it would be hard to argue that Shire staff and community members using Shire services and facilities are exposed to significant risk and vaccinations should be mandated. Therefore, some would see the mandating of vaccinations as an overreach at this point in time.

However, it's important to note that within a two-week window the Omicron variant has become the dominant variant in most places it's been. Omicron, the hyper-transmissible variant, has arrived in WA and taking hold in the community. The state is now taking steps to suppress and manage Omicron. The extent to which Omicron has taken hold in WA will be known in another week. It may already be too late for a suppression strategy and the infection numbers may escalate very quickly in weeks to come as they have in other states and other parts of the world.

Therefore, the Council's resolutions to mandate vaccinations need to be adopted and the CEO given delegated authority to implement them at the first sign of local community infection. The vaccination mandate should also be extended to the Shire's Councillors.

The State's Health Directions provide for mandating vaccination of all Shire staff. The Shire staff fit in one or more of the mandating vaccinations categories, as detailed in the Health Directions. Mandating vaccination of all Shire staff will also enable orderly, effective and efficient planning and management of resources and work/tasks, which is important for ongoing operation of a Shire with small staff numbers many of whom perform multiple roles within the organisation.

Rapid antigen testing will be an additional tool to use in reducing the spread of infection and protecting the health of Shire staff and vulnerable members of the community.

The CEO will need to develop a standard operating procedure for the implementation and use of rapid antigen testing to reduce the spread of infection and protect the health of Shire staff and vulnerable members of the community. The CEO will also need to implement simple and effective enforcement measures for validation of mandated vaccinations that do not take up too much time and resources and are generally convenient and not obtrusive to the general public.

CONSULTATION

Shire Staff

Council

State Government Agencies

Shire Contractors

STATUTORY ENVIRONMENT

WA Health Directions

Occupational Safety and Health Act 1984

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Any financial implications that arise from the implementation of any COVID Directions will be reported to Council as required

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. **Draft Covid Strategy - Confidential**

VOTING REQUIREMENT

Absolute Majority

SPECIAL COUNCIL RESOLUTION AND OFFICER RECOMMENDATION

That the Council

1. **Receive the Draft COVID Strategy and note its obligations pursuant to:**
 - (a) **- WA Health Directions; and**
 - (b) **- Occupational Safety and Health Act 1984.**
2. **Mandate COVID-19 vaccinations for all its staff, volunteers, consultants and contractors.**
3. **Mandate COVID-19 vaccinations for all its elected members.**
4. **Mandate COVID-19 vaccinations for all those using/visiting Shire services and facilities (aged 16 and over).**
5. **Authorise the CEO to implement simple and effective enforcement measures for validation of mandated vaccinations that:**
 - (a) **- do not take up too much time and resources; and**
 - (b) **- are generally convenient and not obtrusive to the general public.**
6. **Authorise the CEO to develop a standard operating procedure for the implementation and use of rapid antigen testing to reduce the spread of infection and protect the health of Shire staff and vulnerable members of the community.**

- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 11.1 Elected Members**
- 11.2 Council Officers**
- 12 CLOSURE OF MEETING**