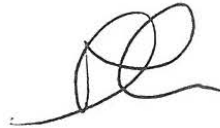


NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

A Special Meeting of Council is to be held at **5.30pm, Tuesday 12 April 2022** in the Bridgetown Leisure Centre for the purpose of considering the motions carried at the Special Meeting of Electors held on 28 March 2022.

Signed by T P Clynych:



Date:

8 April 2022

Special Council Agenda Index – 12 April 2022

Subject	Page No
Acknowledgment of Country	2
Attendance, Apologies & Leave of Absence	2
Attendance of Gallery	2
Public Question Time	2
Notification of Disclosures of Interest	2
SpC.01/0422 Suspension of Standing Orders	3
Business Items	4
SpC.02/0422 Consideration of the Motions Carried at the Special Meeting of Electors held on 28 March 2022.....	4
Closure	9
List of Attachments	9

AGENDA

For the Special Meeting of Council to be held in the Bridgetown Leisure Centre on **Tuesday 12 April 2022**, commencing at 5.30pm, called for the purpose of considering the motions carried at the Special Meeting of Electors held on 28 March 2022.

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay my respects to their Elders past, present and emerging.

Attendance & Apologies

President	- Cr J Bookless
Councillors	- J Boyle - B Johnson - T Lansdell - S Mahoney - J Mountford - A Pratico - P Quinby - A Rose
Officer	- T Clynch, Chief Executive Officer - M Larkworthy, Executive Manager Corporate Services - P St John, Executive Manager Development and Infrastructure

Attendance of Gallery

Public Question Time

Notification of Disclosures of Interest

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow a Member to speak, the extent of the interest must also be stated.

SpC.01/0422 Suspension of Standing Orders

At its December 2021 meeting Council resolved:

That Council:

1. *That at an appropriate period after the commencement of each ordinary and special council meetings Council is to consider suspending Clause 9.1 of its Standing Orders Local Law to allow Council Members to remain seated whilst addressing Council, either in speaking to a motion or the asking of a question.*

2. *That this procedure be conducted as a trial to determine whether a permanent change in the Standing Orders should be sought.*

Clause 18.1 of the Standing Orders states:

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of these Standing Orders.

- (2) The mover of a motion to suspend temporarily any one or more of these Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension

The key words in clause 18.1 are “suspend temporarily” meaning that Council must resolve at each Council Meeting to suspend clause 9.1 of the Standing Orders for the duration of the meeting.

Motion

That Council suspend clause 9.1 of its Standing Orders Local Law to allow Council Members to remain seated whilst addressing Council, either in speaking to a motion or the asking of a question.

Business Items

ITEM NO.	SpC.02/0422	FILE REF.	208
SUBJECT	Consideration of the Motions Carried at the Special Meeting of Electors held on 28 March 2022		
PROPONENT	Electors that Attended Special Meeting of Electors held on 28 March 2022		
OFFICER	Chief Executive Officer		
DATE OF REPORT	8 April 2022		

Attachment 1 – Minutes Special Meeting of Electors held 28 March 2022

OFFICER RECOMMENDATION

That Council:

- 1. Notes but does not endorse the 5 motions carried at the Special Meeting of Electors held on 28 March 2022.*
- 2. Refrains from endorsing an advocacy position in relation to the State Government vaccination mandates or covid-19 Directions.*
- 3. Notes that any elector has the right to direct any concerns they have about State Government vaccination mandates or covid-19 Directions to the WA State Government who have full jurisdiction over the mandates imposed.*

Summary/Purpose

Council is required to consider the motions carried at the Special Meeting of Electors held on 28 March 2022.

Background

A written request was received on 24 February, signed by 270 electors, requesting this special meeting of electors be held with the details of the matters to be discussed being:

- i. Seek declaration of the Shire of Bridgetown-Greenbushes community being declared a 'Pro-Choice Community' in relation to State Government vaccination mandates.
- ii. To hear and discuss community concerns in relation to the vaccination mandates, specifically seeking a vote of electors in attendance opposing vaccination mandates and declaring Bridgetown-Greenbushes a 'Pro-Choice Community'.
- iii. To advise the Premier and State Parliament of community concerns in relation to existing mandates and request they refrain from imposing further mandates as well as removing all existing mandates currently in place.

Accordingly a Special Meeting of Electors was held in the Bridgetown Leisure Centre on 28 March 2022. The minutes of the meeting record a total of 165 persons in attendance, including electors, non-electors, councillors and Shire staff. It is clear that additional persons did attend. In order to comply with COVID-19 mandates and directions a limitation of 150 persons per enclosed indoor space was enforced and for this reason regular head counts were conducted during the meeting. At its peak attendance approximately 185 persons were counted. It is noted that not all attendees chose to record their details on the attendance sheet.

A total of 5 motions were carried at the meeting. The meeting was respectful and provided an opportunity to hear from those moving and supporting the motions, as well as anyone objecting to them, noting that only 2 persons spoke against any motion. All motions, although not unanimous, were carried by a clear simple majority

It is noted that the Shire has received a number of emails, Facebook posts and phone calls from persons that were either unable to attend the meeting or chose not to attend. The majority of these contacts have sought to record their opposition to the subject matter of the meeting, in particular the potential declaration of the Shire of Bridgetown-Greenbushes as a pro-choice community.

The 5 motions carried at the meeting were:

Motion 1

Moved L Duncan, Seconded G Braun

SE.01/0322 We request that the Council adopt this position statement (the 'COVID-19 Vaccination Pro-Choice Statement') and actively advocate to the State Government to remove vaccination mandate policy. The first part of the position statement to be voted on in this motion is a list of basic principles and fundamental rights that we believe are currently being violated by the State Government. We believe that the local government should advocate to the State Government in support of these fundamental rights and basic principles:

Part 1. No person should be:

- a. Prevented from performing work and unable to pay their mortgage or provide for their family. Neither should business be prevented from receiving income by being required to deny service to members of the community;
- b. Across the State people are being discriminated and segregated based on their vaccination status. This has caused significant mental health problems that even includes suicide or suicide attempts;
- c. Many people are being forced to do what they do not want to do so they can work and participate in society. This is coercion. No one should be mandated to undergo a medical treatment to work or participate within their local community and society;
- d. This is a derivation of basic benefits and protections of employment through statute;
- e. The health directions restrict access to premises such as work sites or cafes which is a violation of a person's right to freedom of movement;
- f. the consequence of this is that people are being restricted from participating in their community and meeting with friends;
- g. The right to privacy has been invaded with the requirements to provide evidence of their medical details;
- h. There should be equality before the laws but currently the unvaccinated are being subject to laws and penalties that others are not subject. This is clear discrimination and segregation.

Carried by a show of hands

Motion 2

Moved L Duncan, Seconded G Braun
SE.02/0322 We request that the Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement' with the content:

Part 2. That the Local Government shall:

- a. not restrict any function, property, or service of the Local Government based on vaccination status;
- b. as far as practicable redeploy or reinstate employees of the Local Government that risk termination or have been terminated on the basis of vaccination status;
- c. honour all obligations under contract for all persons adversely impacted as a consequence of inferred mandatory requirement for vaccination; and
- d. establish means to compensate Local Government employees that have lost income as a consequence of termination on the basis of vaccine status.

Carried by a show of hands

Motion 3

Moved L Duncan, Seconded T Deans
SE.03/0322 We request that the Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement' with the content:

Part 3. That the Local Government actively advocate for:

- a. the removal of the COVID-19 mandatory vaccination policy and any associated directions made under the Public Health Act 2016 (WA); and
- b. the repeal of any mandate or written law, or, anything done under any mandate or written law that conflicts with this position statement.

Carried by a show of hands

Motion 4

Moved L Duncan, Seconded J Small
SE.05/0322 We request that the Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement' with the content:

Part 4. The Local Government in performing an advocacy role will seek the cooperation of:

- a. other Local Governments across the State;
- b. Western Australian Local Government Association (WALGA);
- c. Local Government Professionals WA; and
- d. other professional bodies, associations, and business entities

Carried by a show of hands

Motion 5

Moved L Duncan, Seconded L Gloede
SE.05/0322 We request that the Council adopt an advocacy position statement called the 'Covid-19 Vaccination Pro-Choice Statement' with the content:

Part 5. That the Council confirm in writing from the State Government what the regulator would determine the outcome would be should a worker, contractor or

subcontractor pass away due to a vaccine adverse reaction at your workplace or cause injury or death to another worker due to an adverse reaction.

Carried by a show of hands

Officer Comment

An estimated 185 people, a number equivalent to approximately 5% of the 3,675 electors (as at October 2021 local government election) of the Shire of Bridgetown-Greenbushes attended the meeting. Although not unanimous there was a clear majority of attendees that expressed their strong support for the motions passed and the supporting arguments. They were clear and strong in their views about the impacts of mandates on businesses and community cohesiveness, based on their own experiences.

Overall the Shire of Bridgetown-Greenbushes as a district has very high vaccination rates. In acknowledging this, it is also fair to say that there are a diversity of views in the community in relation to vaccine mandates. Without undertaking some form of referendum (which is not recommended) the Councillors are not in a position to know exactly what the views of all electors are in relation to mandates; and as such officers would not recommend the Council move to declare itself 'pro-choice' or similar, or adopt the 5 parts of the '*Covid-19 Vaccination Pro-Choice Statement*' that is referenced in all 5 motions carried at the meeting. Notwithstanding whether Council is or isn't in a position to know the views of all electors there is also the issue of whether a local government should be seeking to advocate on an issue that is solely within the province of the State Government.

All 5 motions carried request that the Council advocate on behalf of those electors their concerns about the impacts of mandating vaccination on the community and businesses. It is accepted that one way that the Council can represent the different views of its community is through advocacy and that often advocacy is undertaken for a small elements or groups of the community. However with respect to Covid-19 mandates the impacts are across the community.

Based on its health advice, the WA State Government introduced both a mandatory vaccination policy for various occupations and workforces in WA as well as restrictions on entry by unvaccinated patrons to certain venues in WA. These mandates have had impacts on a small number of Shire employees, a high number of emergency services volunteers and on patrons of some Shire facilities such as the gym at the Leisure Centre.

Local government is not the legislating body in relation to vaccine mandates, therefore the concerns raised at the Special Meeting of Electors would be best addressed directly to the State Government or one of their representatives. The question of vaccination mandates can be divisive within a community and it may be difficult for Council to be satisfied that the opinion of the majority of electors is accurately reflected in the motions carried at the meeting.

Local governments, including the Shire of Bridgetown-Greenbushes have been required to adhere to the State Government Directions or risk committing an offence. The Shire has implemented all State Government vaccination policies where required.

In relation to the Covid-19 pandemic, primarily local government is responsible for working closely with the State Government to support preparedness, implementation

of response measures and recovery, as well as communication of messages to the local community. The Shire is in regular contact with the State agencies responsible for managing the Covid-19 pandemic in Western Australia including the Department of Health and WA Police and will continue to provide any assistance necessary to support the community during this time.

Options for Council Decision-Making

The officer recommendation is for Council to simply note (not endorse) the motions and refrain from adopting an advocacy position on the 5 parts of the 'Covid-19 Vaccination Pro-Choice Statement' referenced in those motions.

As an alternative to the officer recommendation Council could decide:

1. To advocate to State Government on any or some of the motions;
2. To write to the Premier of Western Australia and advise that circa 185 persons in our community attended a recent meeting to outline their concerns about the impacts that the vaccine mandates are having on business, employees, volunteers, and the community and request that the Premier takes the concerns of the those electors into account as he reviews the State Government's position on vaccine mandates;
3. To conduct its own survey on the impacts of vaccine mandates on ratepayers; and/or
4. To take some other course of action.

Statutory Environment

Section 5.28 of the Local Government Act 1995 requires a special electors meeting to be held on the request of not less than 100 electors or 5% of the number of electors, whichever is the lesser number. The request is to specify the matters to be discussed at the meeting and be in the form set out by the Regulations. All of these requirements were met.

Section 5.33 of the Local Government Act 1995 sets out the process for Council to consider decisions made at electors meetings.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Integrated Planning

- Strategic Community Plan
Outcome 13 – Proactive, visionary leaders who respond to community needs
Objective 13.1 – Strengthen leadership and advocacy
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning – Nil

Policy Implications - Nil

Budget Implications - Nil

Whole of Life Accounting – Nil

Delegated Authority - Nil

Risk Management

The subject of vaccination mandates is a divisive issue and whatever decision Council makes with respect to the 5 motions carried at the Special Meeting of Electors is likely to receive both support and objection. The level of risk to the Shire of Bridgetown-Greenbushes is in the area of reputation and have been assessed as “moderate consequence” with an “almost certain” likelihood, giving a risk rating outcome of “high” in accordance with Council Policy F.21 ‘Risk Management’.

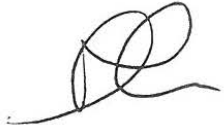
Voting Requirements – Simple Majority

Closure

The President to close the Meeting.

List of Attachments

Attachment	Item No.	Details
1.	Spc.02/0422	Minutes Special Meeting of Electors held 28 March 2022

Agenda papers checked and authorised by CEO, Mr T P Clynych		08.04.2022
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