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Council Minutes

Shire of Pingelly

Special Council Meeting

Thursday 19 December 2024

Pingelly, positive by nature. Let's grow together!

Shire of Pingelly



Notice of Meeting

Notice is given that a Special meeting of the Council will be held in the Council Chambers, 17 Queen Street, Pingelly on Thursday 19 December 2024 commencing at 2.00 pm.

Purpose of Meeting

This meeting is for Council to consider the Motion passed by electors at the Special Meeting of Electors on 16 December 2024.

Disclaimer

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.

A handwritten signature in black ink, appearing to be "A. Dover", written over a light blue circular stamp.

Andrew Dover
Chief Executive Officer

PUBLIC QUESTION TIME INFORMATION

The Shire of Pingelly welcomes community participation during public question time. This document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

1. A member of the public who raises a question during question time must:
 - a. be in attendance at the meeting;
 - b. first state their name and address;
 - c. direct the question to the Presiding Member;
 - d. ask the question briefly and concisely;
 - e. limit any preamble to matters directly relevant to the question; and
 - f. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
2. Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
3. Where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled.
4. Where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member.
5. Where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting.
6. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

Questions may be submitted by e-mail to admin@pingelly.wa.gov.au.

Risk Framework

Consequence Rating

Impact	Health	Financial	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant	Negligible injuries	Less than \$2,000	No material service interruption	No noticeable regulatory / statutory impact	Low impact, single complaint, low profile or 'no news' item	Inconsequential or no damage	Contained, reversible impact managed on site response
Minor	First aid injuries	\$2,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non-compliance	Low impact, a small number of complaints	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate	Medical type injuries <5 days	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Public embarrassment, moderate impact, low or moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major	Lost time injury >5 days	\$50,001 - \$200,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic	Fatality, permanent disability	More than \$200,000	Indeterminate prolonged interruption – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages	Public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution. Complete loss of property	Uncontained, irreversible impact

Likelihood Rating

	Description
Almost Certain	The event is expected to occur in most circumstances > once per year > 90% chance of occurring
Likely	The event will probably occur in most circumstances At least once per year 60% - 90% chance of occurring
Possible	The event should occur at some time At least once in 3 years 40% - 60% chance of occurring
Unlikely	The event could occur at some time At least once in 3 years 10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances Less than once in 15 years < 10% chance of occurring

Risk Matrix

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	M (5)	H (10)	H (15)	E (20)	E (25)
Likely	L (4)	M (8)	H (12)	H (16)	E (20)
Possible	L (3)	M (6)	M (9)	H (12)	H (15)
Unlikely	L (2)	L (4)	M (6)	M (8)	H (10)
Rare	L (1)	L (2)	L (4)	L (4)	M (5)

Risk Acceptance Criteria

	Description	Criteria	Responsibility
Low (L)	Acceptable	Acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Staff Member
Moderate (M)	Monitor	Acceptable with adequate controls, managed by specific procedures, subject to semi-annual monitoring	Senior Manager
High (H)	Urgent action	Acceptable with effective controls, managed by senior management, subject to monthly monitoring	Senior Manager
Extreme (E)	Unacceptable	Only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by the CEO and subject to continuous monitoring	CEO

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.01pm.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Willman Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to Elders past, present and emerging.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

- Reminder to everyone this meeting is being recorded for the purpose of accuracy for minute taking. Recording of this meeting is not permitted thank you.
- Reminder to our Councillors of their responsibility today, that we act on behalf of our whole community and not representing our own viewpoint.
- We have received questions for public question time, if anyone else has questions please let me know. Thank you.

4. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Members Present

Cr J McBurney	President
Cr C Cheney	
Cr B Hotham	
Cr P Narducci	
Cr A Trethewey	

Staff in Attendance

Mr A Dover	Chief Executive Officer
Mr M Hudson	Executive Manager Works
Ms Z Macdonald	Executive Manager Customer Services
Mrs S Nyssen	Governance and Executive Officer

Apologies

Cr P Wood	Deputy President
Cr K Singh	

Public Members

Andrew Morling	Esther Howell	William Athertan
Rene Vitos	Jeanette Jeffrey	Evan Hodges
Elizabeth Tetlow	Anne Goldsmith	Madelaine Smith
Jane McCabe	R Edan	Ron O'Brien
Nic McCabe	J Edan	Lars Langford
Robert Howell	Natasha Pettit	Lee Steel
Karen Howell	Christine Goldsmith	Lou Johnson
Loretta Howell	David Kam	Lesley Page

5. PUBLIC QUESTION TIME

President asks Robert Howell to approach the podium and microphone.

Robert Howell approaches the podium and thanks the President, Councillors and staff.

Q1: Is the Shire aware that the Pfizer Covid19 Medicine was provisionally approved by the TGA on the basis of short-term efficacy and safety data on 25/05/2021?

I have provided a document that is the extract from the TGA relating to that approval.

Response: No, the Council was not aware prior to the information being submitted.

Q2: Does the Shire acknowledge that there was therefore no basis for public officials to state that the Pfizer medicine was safe and effective and/or fully approved at that time?

Response: No, the Council has not formed a view on whether or not there is a basis for public officials to state that the Comirnaty to be declared safe and/or effective and or fully approved in 2021.

Q3: Is the Shire aware that the medicine, Comirnaty, received the full registration from the TGA on 25/06/2024 and remains on the Black Triangle Scheme because some side effects, or adverse events from medicines are not known until the medicine has been in general use for some time?

Response: It is my understanding that the Black Triangle Scheme is a reporting system to monitor the use of the new medicines. New versions of the Comirnaty are released to respond to different strains of the Covid19 virus and so appropriate that they are subjected to intensive scrutiny.

Robert Howell thanks the President and takes a seat.

President asks Lee Steel to approach the podium to ask her questions.

Lee steel approaches the podium and thanks the Council for allowing her to ask questions today.

Q4: At any time during the Special Electors Meeting did the electors ask Council for expert advice on vaccines or for Council or Councillors to research anything regarding the vaccine?

Response: We were presented with information, but we were not asked to research, no.

Q5: Can you please explain the relevance of the rational used to for your recommendation to Council in the following statement, were you said:

“The Shire of Pingelly does not have the ability to determine the risks of taking the vaccine is greater than the risk of refraining, and the Shire of Pingelly does not have the medical and research capacity to form an official position on the concerns raised by electors”.

Can you please advise what relevance that rational had to your decision making today when it wasn't a request of electors?

Response: The relevance that has is in relation to the resolution that was presented at the Special Electors Meeting. This resolution was for Council to advocate for the suspension of the Covid vaccines and the recommendation here states that we don't have the ability within the Shire to determine if suspension of the vaccine will have a detrimental impact upon the population of Australia, positive or negative, we don't have the expertise. This is the basis of the recommendation.

Q6: So, the rational was, that you don't know what is right or wrong so you used that as a reason for the recommendation? Apologies, I don't understand your response.

CEO Response: We don't have the medical expertise. We don't know what will happen if the government goes along with us and says it will suspend the vaccines. Will that be a greater negative than continuing with the current situation. I don't have that expertise to make that recommendation to say yes, we will go one way or the other.

Q7: I am still confused. It says he made his recommendation with consideration that. So you are saying that your consideration is actually because you don't know you won't do it, but because you don't know you will do it. You have chosen a side using that rationale is what I'm saying. You have chosen to put a recommendation to Council to not do it.

CEO Response: I've made a recommendation and it's Council's decision to make. My role is to provide advice to Council, including the implication of that decision. I cannot say that there will not be Covid deaths or other associated deaths as a result of that.

Q8: You stated that the Shire of Pingelly does not have the ability to determine if the risks of taking the vaccine are greater than the risk of refraining. How then did you arrive at your advice to Council that the call for immediate suspension of these vaccines may also be detrimental to some vulnerable people, leaving them at risk of viral infection. And not the opposite possibility that continued use of this particular vaccine may be detrimental?

Please advise what evidence you had for this advice or the name of the expert person that provided you the information.

CEO Response: We haven't chosen either way. This recommendation is to not lean one way or another. The recommendation is to at this point defer to other experts and their fields of expertise in their official capacities rather than insert ourselves as an organisation into that.

Q9: Who are these experts?

CEO Response: We didn't get formal advice from particular experts here aside from those who attended the meeting Monday night. We didn't get other formal advice as we could get advice for both directions. In the report we are referring to the Department of Health and Aged Care, The Therapeutic Goods Administration and the National Health and Medical Research Council.

Q10: Your advice to Council was because those things were there and you used them, you didn't seek advice, is that right?

CEO Response: That's right.

Q11: Can you please elaborate on your statement:

"The call for immediate suspension of these vaccines may also be detrimental to some vulnerable people, leaving them at risk of viral infection". What viral infections do you see them being at risk of contracting? And can you please advise what evidence you have supporting this opinion or the name of the expert person that provided you this information.

CEO Response: In relation to that statement, that is the advice on the website from the Department of Health with relation to the Covid19 vaccine. The viral infection is Covid.

Q12: I can jump on the website and find that?

CEO Response: Yes, the Department of Health website.

Q13: Can you please advise what damage you are referring to when you state in your advice to Council "This reputational risk assessment has been informed by the severe reputational damage suffered by the Town of Port Headland and strong condemnation by the Premier, the Hon Roger Cook". Apart from an inappropriate comment by the Premier (which is not evidence of damage to Port Headland) what proof do you have of reputational damage to Port Headland and the name of the person that provided this proof.

CEO Response: We have a Risk Framework at the front of the Agenda. We have gone through the Risk Assessment process set out in that Framework. We look at the different themes at the top and which one is relevant. We then go down to see which one in particular relates. I found public embarrassment, high impact, high used profile and third-party actions would have been the most relevant of those selections. Why I came to that is because there was quite a number of negative news articles as well as the comments from the premier, which as you say were completely inappropriate; and we have tried to take some action against that. There were several negative news articles in relation to Port Headland damaging their reputation, and that fits in here with the high news profile and third-party actions.

Q14: Would it surprise you to know if you rang Port Headland today and asked them the question if they have had any severe reputational damage, they will respond no. I phoned them and asked, the response was from either the CEO or the position under the CEO, and they responded that they felt they didn't have any reputational damage in that way. I am going to that because you sighted Port Headland as your reference for the reason that we may experience it.

CEO Response: Yes, that is correct. Regardless of whether or not Port Headland feel they have suffered reputational damage, having the negative feedback and news articles within the media, that in itself is negative reputational damage. Whether or not it felt internally or not. That reputation by its nature is an external perception.

Q15: I want to clarify your answer, because there could be a perception that it's a reputational thing you have chosen to advise that here.

CEO Response: Yes.

Q16: This question is to Madam President. How can council accept the advice of the CEO if there is no foundation to his advice nor foundation for his proposed recommendation. He has confirmed that he has used general information, social media items. How do you as a Council accept the advice of the CEO if he can't say that he knows this or that. I haven't heard any clear answers today why you jumped one way and not the other with your recommendations.

President Response: I have to differ with you. I do believe there is foundation for the CEO to provide the Officers recommendation that he has provided. The reputational damage to Port Headland was significant and that was tangible evidence. As Council we do accept the advice of CEO, that is his job, and we accept that.

Lee Steel thanks Council for allowing her questions and takes a seat.

Robert Howell asks if he may ask one more question.

President responds yes, certainly.

Robert Howell approaches the podium and microphone.

Q17: My question is directed to the CEO. In light of the previous questions and the risk matrix that you used, I can assume then that you didn't do any risk matrix for health, that there is no risk profile for that?

CEO Response: I didn't include health as a risk as stated within the report that we cannot accurately determine the outcome of what this is to any great extent. We cannot state which has a greater risk to public health, to provide the vaccine or not provide the vaccine. This is why it is not included in the risk analysis.

Q18: In the risk analysis, in the almost certain, certain, likely, unlikely, you don't have an unknown?

CEO Response: We don't have an unknown.

Robert Howell thanks the CEO and takes a seat.
President declares public question time closed at 02.27pm.

6. DISCLOSURES OF INTEREST

Nil

7. REPORTS OF COMMITTEES OF COUNCIL

Nil

8. OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 Consideration of the Motion Passed at the Special Meeting of Electors 16 December 2024

File Reference: ADM0103
Location: Not Applicable
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council is requested to consider the Motion passed by electors at the Special Meeting of Electors on 16 December 2024.

Background

The Shire of Pingelly received a request for a Special Meeting of Electors on 15 November 2024 from more than 5% of the electors in the district under section 5.28 of the Local Government Act 1995.

This request states *“that there is a growing concern among a number of local residents regarding the safety of the mandated vaccines and the elevated number of people affected and harmed as a result.”*

This meeting was attended 66 people in total, 34 of whom were electors (excluding Councillors, Staff and observers), and featured 2 videos and several statements by electors. At this meeting, the electors passed the following motion:

That Council:

1. That the Shire of Pingelly Council write a letter similar to (Annexure 2 of the Port Hedland Special meeting October 11th) to local health practitioners and share the information received from Port Hedland including Dr Speicher’s report and state they have contacted the Prime Minister, and are joining Mr. Broadbent in calling for the immediate suspension of these mRNA Covid vaccine products until a full investigation into how this contamination went undetected by Australia’s regulatory bodies.

In the meantime, we believe it is vital that this DNA contamination information is communicated to patients considering the Pfizer or Moderna vaccines, so they can determine their own legally valid informed consent.

2. To write to the Prime Minister similar to (Annexure 1 of the Port Hedland Special meeting October 11th), stating that in light of the contamination findings the Shire of Pingelly council therefore joins Mr. Broadbent and the multitude of global experts in urging the immediate suspension of Pfizer and Moderna COVID-19 vaccines, and call for an urgent and thorough independent investigation to get answers into how this contamination has gone undetected by our regulatory agencies.

For further information on this meeting, please see the minutes of the meeting.

Comment

More than 5% of electors of the Shire of Pingelly requested the Shire to write to local health practitioners and to the Prime Minister calling for immediate suspension of the Pfizer and Moderna COVID-19 vaccines pending further investigations. At the Special Meeting of Electors, these electors spoke strongly and clearly about their concerns, the medical evidence, and their lived experiences. It is unclear if this 5% is representative of the overall population. One option to ascertain if these concerns are widespread within the community is to carry out a poll of this issue to gain a greater understanding from the entire population.

The motion calls for the immediate suspension of the Pfizer and Moderna COVID-19 vaccines pending further investigations due to concerns regarding their safety. It is important that the relevant authorities are advised regarding any concerns about the safety of any medicine or vaccine when it comes to light. The relevant authorities have been advised by a number of organisations and individuals including Mr. Broadbent and the Shire of Port Headland.

The call for the immediate suspension of these vaccines may also be detrimental to some vulnerable people, leaving them at risk of viral infection. The Shire of Pingelly does not have the ability to determine if the risks of taking the vaccine are greater than the risk of refraining, particularly as this suspension would impact the entire population of Australia.

The onus now is on the relevant health organisations such as the Department of Health and Aged Care, the Therapeutic Goods Administration, and the National Health and Medical Research Council to ascertain if these concerns are valid. These organisations have the medical and research capabilities and the official authority to carry out this investigation. The Shire of Pingelly does not have the medical and research capacity to provide input into this process.

With consideration that:

- The Shire of Pingelly does not have the ability to determine if the risks of taking the vaccine are greater than the risk of refraining; and
- The Shire of Pingelly does not have the medical and research capacity to form an official position on the concerns raised by the electors.

it is recommended that that Council does not adopt the motion recommended by electors at the Special Meeting of Electors.

Consultation

This matter is considered by Council as a result of a request by more than 5% of electors.

Advice on the matter from WALGA stated the following:

WALGA's understanding is that many Local Governments have decided not to formulate a position on this matter as they believe the issue is a State and Commonwealth Government issue and Local Governments do not have any statutory role in the matter.

Statutory Environment

Health is administered under two separate acts – the *Health Services Act 2016* and the *Public Health Act 2016*.

The *Health Services Act* relates to clinical and allied health services – the provision of a system for patient centred care. This includes all medical interventions. The State Government is responsible to administer the *Health Services Act*.

The *Public Health Act* relates to the provision of a public environment which is conducive to healthy communities. Examples include applications for septic systems, applications for animals to be kept within close proximity to people, provision of footpaths for walkability, and restrictions on industry in close proximity to people. Both the State and Local Governments are responsible to administer the *Public Health Act*.

Policy Implications

There are no policy implications associated with this report.

Financial Implications

There are no financial implications evident at this time.

Strategic Implications

Nil

Risk Implications

Risk:	Reputational risk of adopting the motion passed at the Special Meeting of Electors.		
Consequence Theme:	Reputational	Impact:	Major
Consequence:	Public embarrassment, high impact, high news profile, third party actions		
Likelihood Rating:	Almost Certain	Risk Matrix:	High (15)
Action Plan:	That Council does not adopt the motion recommended by electors at the Special Meeting of Electors.		

This reputational risk assessment has been informed by the severe reputational damage suffered by the Town of Port Hedland and strong condemnation by the Premier, the Hon Roger Cook.

13511 Cr Clinton Cheney moved, Cr Bryan Hotham seconded Voting Requirements: Simple Majority Recommendation and Council Decision: That Council does not adopt the motion recommended by electors at the Special Meeting of Electors. Carried Unanimously 4 votes to 1	
For:	President Jackie McBurney, Cr Bryan Hotham, Cr Clinton Cheney and Cr Peter Narducci
Against:	Cr Angela Tretheway

9. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

Nil

10. DIRECTORATE OF WORKS

Nil

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The Chairman thanked the community and wished best wishes and a Merry Christmas.
The Chairman declared the meeting closed at 2.45pm.

These minutes were confirmed by Council at the
Ordinary Council Meeting held on

Signed.....
Presiding Person at the meeting at which the minutes were
confirmed.