



1 Joaquina Street, York WA 6302

PO Box 22, York WA 6302

T: (08) 9641 0500

E: [records@york.wa.gov.au](mailto:records@york.wa.gov.au)

W: [york.wa.gov.au](http://york.wa.gov.au)

# AGENDA

## Special Electors Meeting

To be held in the York Town Hall  
Cnr Avon Terrace & Joaquina Street, York WA 6302  
Tuesday 12 April 2022  
Commencing 5.30pm

**Attendees will need to register with registration opening at 5.00pm**





## NOTICE OF SPECIAL MEETING OF ELECTORS

A Special Meeting of Electors (the Meeting) of the Shire of York will be held at the Town Hall, Cnr Avon Terrace & Joaquina Street, York commencing at 5.30pm on Tuesday 12 April 2022 to consider a request signed by 165 electors to discuss the following:

1. *The effect of mandatory vaccination on electors, ratepayers, residents and business in the district;*
2. *The effect of mandatory vaccination on the local government's affairs and the performance of the local government's functions; and*
3. *Motions to be voted on for an advocacy position against mandatory vaccination for the Council to consider adopting to provide leadership and guidance to the community in the district.*

Electors and ratepayers are invited to attend. Registration will be available from 5.00pm.

Councillors and staff welcome your questions regarding the Notice of Meeting. To enable any questions to be answered at the Meeting, questions are to be submitted on the Special Meeting of Electors Question Form, available from the Shire's website or Administration Office. Completed Question Forms can be returned via email to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) or to the Shire Administration Office and should be received at least two (2) days prior to the meeting to enable an appropriate response to be prepared.

The Meeting schedule, agenda and minutes will be available on the Shire's website at [www.york.wa.gov.au](http://www.york.wa.gov.au).

It should be noted that masks are required to be worn indoors at the Meeting and the Town Hall has a capacity limit of 150 people\* in the current Stage 2\* COVID-19 Restrictions. These may be subject to change closer to the Meeting date in accordance with State Directives.

Any queries in relation to the Meeting can be directed to Vanessa Green, Council & Executive Support Officer, on (08) 9641 0500 or [records@york.wa.gov.au](mailto:records@york.wa.gov.au).

**CHRIS LINNELL**  
**CHIEF EXECUTIVE OFFICER**  
8 April 2022

### DISCLAIMER

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. The Shire of York expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

\*It should be noted that when the above Public Notice of the Special Electors Meeting was published on 24 March 2022, these were the restrictions applicable at that time.

# Table of Contents



<b>1.</b>	<b>Official Opening</b>
<b>2.</b>	<b>Record of Attendance / Apologies / Leave of Absence</b>
<b>3.</b>	<b>Introduction of Councillors and Officers</b>
<b>4.</b>	<b>Declarations of Interest</b>
<b>5.</b>	<b><u><a href="#">Purpose of the Meeting</a></u></b>
<b>6.</b>	<b><u><a href="#">Manner of Conduct of the Meeting</a></u></b>
<b>7.</b>	<b><u><a href="#">Matters Which Cannot be Discussed</a></u></b>
<b>8.</b>	<b>Response to Written Questions Received prior to the Meeting</b>
	Nil at the time of the release of this Agenda
<b>9.</b>	<b>Motions of the Meeting</b>
9.1	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 1 Business/Labour Sector</a></u>
9.2	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 2 Residents</a></u>
9.3	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 3 Sustainable Economy</a></u>
9.4	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 4 Agricultural and Trade Sectors</a></u>
9.5	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 5 Emergency Services</a></u>
9.6	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 6 Local Government Employment and Services</a></u>
9.7	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 7 Safely Moving out of the Pandemic</a></u>
9.8	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 8 Advocate Co-operation with Other Corporate Entities</a></u>
9.9	<u><a href="#">COVID-19 Vaccination Pro-Choice Statement - Motion 9 Transparency and Access to Unequivocal Facts Regarding COVID-19</a></u>
<b>10.</b>	<b>Closure</b>

Shire of York  
Special Meeting of Electors  
5.30pm Tuesday 12 April 2022



**1. Official Opening / Acknowledgement**

The Presiding Person will declare the Meeting open, acknowledge the traditional owners of the land on which this meeting will be held and welcome those in attendance.

**2. Record of Attendance / Apologies / Leave of Absence**

**Councillors:**

Cr D Smythe	Shire President (Presiding Person)
Cr P Heaton	
Cr S Muhleisen	
Cr K Trent	
Cr P Wright	

**Staff:**

Mr C Linnell	Chief Executive Officer
Ms S McGuire	Executive Manager Infrastructure & Development Services
Ms V Green	Council & Executive Support Officer

**Members of the Public:** As per Attendance Register to be completed at the Meeting

**Apologies:** Cr D Warnick, Deputy President; Cr A Garratt; Ms A Behan, Executive Manager Corporate & Community Services

**Approved Leave of Absence:** Nil

**3. Introduction of Councillors and Officers**

The Presiding Person will introduce the Councillors, Chief Executive Officer and Staff.

**4. Declarations of Interest (Financial, Proximity & Impartiality)**

Councillors are to complete a Declaration of Interest Form for an item they are required to declare an interest in. The Form is to be given to the Presiding Person before the meeting commences. After the meeting, the Form is to be provided to the Council & Executive Support Officer for inclusion in the Declarations of Interest Register.

**5. Purpose of the Meeting**

In accordance with the prescribed Form 1 received on 8 March 2022, the Purpose of the Meeting is to consider the following:

1. *"The effect of mandatory vaccination on electors, ratepayers, residents and business in the district;*

2. *The effect of mandatory vaccination on the local government's affairs and the performance of the local government's functions; and*
3. *Motions to be voted on for an advocacy position against mandatory vaccination for the Council to consider adopting to provide leadership and guidance to the community in the district."*

No other matter can be raised or considered at the Meeting.

## 6. Manner of Conduct of the Meeting

The Meeting will be conducted in accordance with the following:

1. The Shire President will preside over the meeting.
2. In the event of an emergency, attendees should take direction from Officers who will guide you to the exit points of the Town Hall.
3. The location of toilets will be advised.
4. All attendees are required to sign the Attendance Register located at the entry point to the Town Hall. The attendance names and numbers recorded for the meeting will be taken from the names listed on the Attendance Register.
5. All attendees are required to abide by current State Directives in relation to COVID-19 requirements, including but not limited to, wearing masks indoors, social distancing and capacity limits of the venue.
6. There will be no public question time in accordance with Regulation 5 of the *Local Government (Administration) Regulations 1996*.
7. The Presiding Person will call for a mover and a seconder for each motion.
8. Only Electors\* of the Shire of York may move or second a motion.
9. Each person who participates in a vote or speaks must be an Elector\* of the Shire of York.
10. Speakers are to clearly state their name and address each time they speak.
11. Upon a motion being proposed, each speaker is to address the Presiding Person.
12. Debate will be limited to up to three (3) speakers for the motion, and up to three (3) speakers against the motion.
13. All addresses will be limited to a maximum of five (5) minutes. No extension of time is permissible, unless granted by the Presiding Person.
14. Voting at the Meeting will be in accordance with Regulation 17 of the *Local Government (Administration) Regulations 1996* which states:
  - "17. Voting at meeting (Act s. 5.31)**
  - (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
  - (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
  - (3) *Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret."*

15. The Minutes will include a summary of any questions asked and a summary of the responses provided. These will not be recorded verbatim. Attendees may provide questions in writing which will be included as an Appendix to the Minutes.
16. In accordance with Section 6.16 of the *Shire of York Local Government (Council Meetings) Local Law 2016* no person shall use any visual or vocal recording device or instrument to record the proceedings of the Meeting without the written permission of the Presiding Person.
17. No person is to use offensive, defamatory or objectionable expressions in reference to any Councillor, Officer or any other person. Zero tolerance will be shown to adverse reflection against anyone. Anyone making such statements will be called upon to unreservedly withdraw the expression and make an unconditional apology. Should the inappropriate behaviour continue the Presiding Person may adjourn the Meeting.
18. All Councillors and Officers attend the Meeting to observe the proceedings and hear comments from Electors. All questions and comments are to be directed to the Presiding Person who may invite a response from the Chief Executive Officer.
19. In accordance with Section 5.33 of the *Local Government Act 1995*, any decisions made at this Meeting will be considered at the next Ordinary Council Meeting where practicable. If at that meeting Council makes a decision in response to a decision made at this Special Meeting of Electors, the reasons for the decision are to be recorded in the Minutes of the Council Meeting.

\* An **Elect**or means a person who is eligible to be enrolled to vote at Shire of York local government elections.

## 7. Matters Which Cannot be Discussed

In accordance with Section 5.23 of the *Local Government Act 1995*, as stated below, the following matters cannot be discussed at the Meeting:

### **“5.23. Meetings generally open to public**

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
  - (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person; and*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (ii) *information that has a commercial value to a person; or*

- (iii) *information about the business, professional, commercial or financial affairs of a person,*  
*where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
- (ii) *endanger the security of the local government’s property; or*
- (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”*

The reason the above matters cannot be discussed at the Meeting is because a meeting of Electors cannot be closed to members of the public.

## 8. Response to Written Questions Received prior to the Meeting

Nil at the time of the release of this Agenda.

## 9. Motions of the Meeting

The following motions have been provided by the person who arranged the meeting request on behalf of the electors who signed the request.

### **Glossary of Terms and Definitions**

**Access** means to enter, or remain at, a premises.

**Approved COVID-19 vaccine** means:

- a. any vaccine that has been approved by the Therapeutic Goods Administration (TGA) for use in Australia for the purpose of vaccinating persons against COVID-19 or any mutations and derivatives thereof; and/or,
- b. any other vaccine specified by the Chief Health Officer, or any other person authorised by the Chief Health Officer for that purpose, as an approved COVID-19 vaccine.

**Premises** has the same meaning that it has in the *Public Health Act 2016 (WA)*.

**Vaccine** does not mean the medical terminology as defined in medical journals, but is the generic term in the context of COVID-19 as referred to by the TGA and the Chief Health Officer and Government Officials, and publications and statements made and issued under their auspices.

**Vaccination status** means whether a person is not vaccinated or has been vaccinated.

**Not vaccinated** means that the person has not been administered with any dose of an approved COVID-19 vaccine.

**Vaccinated** means that the person has been administered with any prescribed doses of an approved COVID-19 vaccine.

### 9.1 COVID-19 Vaccination Pro-Choice Statement - Motion 1 Business/Labour Sector

The motion to be considered, forms the first part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The first part of the position statement, to be voted on in this motion, is a list of basic principles and rights that we believe are fundamental to all who seek to be employed and operate a business, which are currently being disregarded by the State Government.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.1

**Moved:**

**Seconded:**

We request that the Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement' and actively advocate to the State Government to remove the vaccination mandate policy. In this first motion we further request that the Local Government should advocate to the State Government in support of these fundamental and basic principles, that no person shall or should be:

- a. prevented from performing work or receiving income on the basis of vaccination status;
- b. coerced or manipulated into the need for vaccination for any reason;
- c. deprived of any Statutory and Regulatory benefits on the basis of vaccination status;
- d. restricted access to premises on the basis of vaccination status;
- e. required to provide evidence for any reason of vaccination status; and / or,
- f. subject to anything under written law that a person who differs in vaccination status is not.

### 9.2 COVID-19 Vaccination Pro-Choice Statement - Motion 2 Residents

The motion to be considered, forms the second part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The second part of the position statement, to be voted on in this motion, is a list of basic principles and rights that we believe are fundamental to all who seek to be included in their community and treated equally, which are currently being disregarded by the State Government.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.2

**Moved:**

**Seconded:**

In this second motion we further request that the Local Government should advocate to the State Government in support of these fundamental and basic principles, that no person shall or should be:

- a. discriminated against on the basis of vaccination status;
- b. restricted in any form of community participation on the basis of vaccination status; and / or,
- c. subject to anything under written law that a person who differs in vaccination status is not.



### 9.3 COVID-19 Vaccination Pro-Choice Statement - Motion 3 Sustainable Economy

The motion to be considered, forms the third part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The third part of the position statement, to be voted on in this motion, is one we believe is fundamental to the sustaining the economy, within the York Shire/District, in consideration of the people and the businesses.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.3

Moved:

Seconded:

In this third motion we further request that the Shire of York Council advocate on behalf of all people in the Shire by actively working towards encouraging the State Government to align emergency directives to include:

- a. Support for businesses, local entities, employees and residents,
- b. Protection for businesses in way of staff loss and other occupational health and safety concerns,
- c. Consistency, inclusion, stability and sustainability for all,
- d. Clarity for all to ensure no overreach of directives that may lead to possible litigation, and
- e. For the State government to initiate a survey regarding the impacts and liability of the mandates across the above points a, b, c and d.

### 9.4 COVID-19 Vaccination Pro-Choice Statement - Motion 4 Agricultural and Trade Sectors

The motion to be considered, forms the fourth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The fourth part of the position statement, to be voted on in this motion, is one we believe is fundamental to sustaining the economy in view specifically to all of the towns of the Shire/District of York's agricultural and trade sectors.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.4

Moved:

Seconded:

In this fourth motion we further request that the Shire of York Council advocate to all relevant departments and ministers of the State Government on behalf of the York agricultural and trade sectors, that the mandates be amended to allow these industries to operate without restrictions, or at least minimal restrictions, given that the work environments are open air, with capacity to easily socially distance. These conditions mean that the activities fall into the "Low Risk" category when evaluated and assessed on a Risk Rating Matrix.

### 9.5 COVID-19 Vaccination Pro-Choice Statement - Motion 5 Emergency Services

The motion to be considered, forms the fifth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The fifth part of the position statement, to be voted on in this motion, is one we believe is fundamental to sustaining the emergency services for all towns within the Shire/District of York.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.5

Moved:

Seconded:

In this fifth motion we further request that the Shire of York Council continually advocate on behalf of our local volunteers to all the relevant departments and ministers of the State Government, to allow for all willing community members to actively participate in a volunteer role, particularly emergency services, free from medical prejudice, considering the remote and rural nature of the towns within the Shire/District of York.

### 9.6 COVID-19 Vaccination Pro-Choice Statement - Motion 6 Local Government Employment and Services

The motion to be considered, forms the sixth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the York Shire Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The sixth part of the position statement, to be voted on in this motion, is one we believe needs to be reevaluated due to its fairness across this jurisdiction.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.6

Moved:

Seconded:

In this sixth motion we further request that the Local Government shall:

- a. not restrict any function, property, or service of the Local Government based on vaccination status; and,
- b. as far as practicable redeploy or reinstate employees/contractors 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 vaccination status.

### 9.7 COVID-19 Vaccination Pro-Choice Statement - Motion 7 Safely Moving out of the Pandemic

The motion to be considered, forms the seventh part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The seventh part of the position statement, to be voted on in this motion, is one we believe should be halted until unequivocal facts are made available, especially due to the unfavourable impacts that are increasingly outweighing the perceived necessity for safety for all.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.7

Moved:

Seconded:

In this seventh motion we further request 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.

### 9.8 COVID-19 Vaccination Pro-Choice Statement - Motion 8 Advocate Co-operation with Other Corporate Entities

The motion to be considered, forms the eighth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The eighth part of the position statement, to be voted on in this motion, is one we believe is necessary in creating accountability across corporate entities, so that unequivocal facts can be brought forward with discernment of a wider view, limiting chance of error.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.8

Moved:

Seconded:

In this eighth motion we further request that 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.

### 9.9 COVID-19 Vaccination Pro-Choice Statement - Motion 9 Transparency and Access to Unequivocal Facts Regarding COVID-19

The motion to be considered, forms the ninth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The ninth part of the position statement, to be voted on in this motion, is one we believe is necessary for all in our community to have access to unequivocal facts, so that full discernment as to navigation of personal safety for all is properly considered and respected.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation – 9.9

**Moved:**

**Seconded:**

In this ninth motion we further request that the Shire of York Council undertake investigation and assessment of:

- a. The unequivocal effectiveness of the mandated vaccines for all ages, inclusive of and not limited to 0-100 years,
- b. The unequivocal adverse effects of the mandated vaccines for all ages, inclusive of and not limited 0-100 years, freely disclosed by medical professionals and individuals, and
- c. the legal and lawful implications of the Shire and businesses, of the:
  - a. Current *Occupational Health and Safety Act 1984*, and
  - b. *Health and Safety Act 2020* (new work).

Whereby findings of points a, b, and c above are accurately reported back to the Shire of York residents and ratepayers.

10.

#### Closure

At the point where there is no further business the Presiding Person will close the Meeting.

It should be noted that the reports for the April 2022 Ordinary Council Meeting Agenda will have been determined at the time of this Special Electors Meeting. Therefore, the report required to be presented to Council to consider the motions of this Special Electors Meeting will be presented to the May 2022 Ordinary Council Meeting enabling Officers time to appropriately consider the motions made.