



18 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING

18.1 QUARANTINE ARRANGEMENTS IN RESPONSE TO COVID-19

REFERENCE: D2020/05444

On 11 March 2020, the World Health Organisation (WHO) declared the COVID-19 (also known as novel coronavirus) outbreak a pandemic as the virus continued to spread across the world. As countries struggle to contain the spread of the disease, more than 124,000 people in at least 114 countries have been infected with COVID-19.

In Australia, the Emergency Response Plan for Communicable Disease Incidents of National Significance: National Arrangements (National CD Plan) outlines how agencies across Australian, state, territory and local governments will work together to protect Australia from the threat of a major communicable disease incident.

In Western Australian, Emergency Management is coordinated by the State Emergency Management Committee. Roles and responsibilities are designated to various agencies as gazetted under the *Emergency Management Act 2005* and *Emergency Management Regulations 2006*.

Throughout the emerging situation, organisations remain responsible for providing a safe working environment. Organisations have been encouraged to take a pragmatic and precautionary approach to managing their workplaces related to COVID-19, with a view to promoting health and safety for employees and others in the workplace, and the public generally.

Given the current COVID-19 pandemic, EMRC officers are mindful that EMRC's business continuity as an essential service may be impacted by the COVID-19 pandemic such as but not limited to the banning of large gatherings as well as imposition of self-quarantine arrangements. EMRC's officers felt at this time it is prudent to put in place emergency arrangement should a quarantine be imposed that may impact on Council continuing to function with the Red Hill Waste Management Facility's role as an essential service to the community. While the EMRC has in place a COVID-19 response plan, some matters regarding how Council and Committees meetings may be held as well as situations dealing with decision making may need to be made during this pandemic.

Council Meetings

At this time some flexibility may be required in order to conduct the Council's business with the utmost caution in response to the COVID-19 pandemic. In the event the COVID-19 pandemic affect holding the Council and Committee meetings physically on-site, alternative arrangement will need to be organised.

Given the above limitations, it is apparent that Council should make specific provisions for dealing with a situation where, in the case of a pandemic, all meetings of Council and Committees should be held via instantaneous communication or electronic means.

Clause 3.9 of the *EMRC Standing Orders Local Law 2013* provide that the circumstances in which a person who is not physically present at a meeting of the council or committee is taken to be present at the meeting is dealt with in the Regulations. Per r.14A(1)(a) of the *Local Government (Administration) Regulations 1996*, this is envisaged as "contact, by telephone or other means of instantaneous communications".

Regulation 14B of the *Local Government (Administration) Regulations 1996*, provides the instructions of attendance by telephone or other means of instantaneous communications after a natural disaster. Advice is being sought from the Department of Local Government, Sport and Cultural Industries whether the COVID-19 pandemic meets the definition for the operation of this r.14B.

Further advice is also sought with regards to a reduced quorum as well as the Council is to be held by teleconference entirely.



Item 18.1 Continued

Delegation of Authority

In the event that advice from the Department that COVID-19 pandemic does not meet the definition of natural disaster under r.14B, or the EMRC Council does not have quorum for a meeting, an alternate solution is required.

Under the *Local Government Act 1995* (the Act) Council has a broad discretion to delegate authority to permit decisions to be made.

Under the developing situation with COVID-19, it would be prudent to afford the CEO the delegations to exercise any of its powers or duties allowed under the Act to ensure business continuity in the wake of a global pandemic. The Act allows for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s.5.43 which includes any decision that requires an absolute majority decision.

One of the decisions that requires an absolute majority decision is the adoption of the Annual Budget per s.6.2(1) of the Act. Council will be unable to delegate this to the CEO. As this will have an impact on all local governments, this will subject to a directive and guidance from the Department of Local Government, Sport and Cultural Industries.

One of the limits on delegations to the CEO that can be addressed is the ability to accept a tender which exceed an amount determined by the local government. At the Ordinary Meeting of Council on 20 February 2020, Council re-affirmed its delegation that the authority limit of the CEO to accept tenders at \$400,000.

In the event that Council is unable to hold a meeting and given the above limitations, some flexibility is requested in order to conduct the council's business with the utmost caution in response to the COVID-19 pandemic. It would be prudent to increase the authority limit to \$3,000,000 in line with the value of a tender currently in progress.

RECOMMENDATION(S)

That:

1. By absolute majority in accordance with r.14B of the *Local Government (Administration) Regulations 1996* resolves that for the duration of any pandemic episode all Council and Committee meetings are to be held, where required, by instantaneous communication methods such as e-mail, telephone or video conference or by other electronic means.
2. During the duration of any pandemic episode, and where a Council meeting is unable to be held, Council resolves by absolute majority in accordance with s.5.42 of the *Local Government Act 1995* delegate to the Chief Executive Officer of the EMRC its power and the discharge of any of its duties under this Act other than those excluded under s.5.43 of the *Local Government Act 1995*.
3. During the duration of any pandemic episode, and where a Council meeting is unable to be held, Council resolves by absolute majority in accordance with s.5.45 of the *Local Government Act 1995* to amend Delegation C1/2014, temporarily increasing the authority limit of the Chief Executive Officer to accept tenders to \$3,000,000.

Cr Daw moved the Officer recommendation and Cr Johnson seconded the motion.

Debate ensued.

The Chairman proposed a suspension of standing orders and it was seconded by the Deputy Chairman to allow open discussion, given the importance of the topic.

Discussion ensued.



Item 18.1 Continued

During discussions:

Cr Congerton departed the chambers at 7.23pm and returned at 7.25pm.

Cr Hamilton departed the chambers at 8.07pm and returned at 8.10pm.

Following discussion, Cr Daw moved that Standing Orders were re-instated and Cr Daw withdrew his support for the motion and the motion lapsed for want of a mover.
