



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

SPECIAL MEETING OF ELECTORS

9 JUNE 2014

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Minutes of the Special Meeting of Electors of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Monday 9 June 2014, commencing at 6.00pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Mayor John Carey, declared the meeting open at 6.18pm and read the following Acknowledgement of Country Statement:

2. APOLOGIES

(a) Apologies:

Cr John Pintabona.

(b) Members on Approved Leave of Absence:

2.1 Cr Wilcox on approved leave of absence from Thursday 1 May 2014 to Thursday 31 July 2014 (inclusive), due to personal commitments.

2.2 Director Community Services, Mr Rob Boardman on approved sick leave.

3. RECORD OF ATTENDANCE

(a) Approximately 93 public including 82 Electors.

(b) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward (until 6.45pm)
Cr Joshua Topelberg	South Ward (until 7.00pm)
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services
Jerilee Highfield	Executive Assistant
Manuela McKahey	Personal Assistant
Anita Radici	Human Resources Assistant
<u>Media</u>	
David Bell	Journalist – “ <i>The Perth Voice</i> ”
Sara Fitzpatrick	Journalist – “ <i>The Guardian Express</i> ”
Stephen Pollock	Journalist – “ <i>The Perth Voice</i> ”

4. BUSINESS

Presiding Member Mayor Carey welcomed everyone to the meeting and read the following statement:

Good evening Ladies and gentlemen, Councillors and Staff.

I declare this Special Meeting of Electors open at 6.18pm.

Welcome

In accordance with Section 5.30 of the Local Government Act 1995, I will be the Presiding Member for tonight's meeting. This meeting will be held in accordance with the provisions of the Local Government Act and Local Government (Administration) Regulations 1996 and these procedures, which will be shortly announced.

2. Introduction of Council Members and Staff

I would firstly like to acknowledge your Council Members present:-

Cr James Peart, Cr Emma Cole, Cr Joshua Topelberg, Deputy Mayor Roslyn Harley, Cr Matt Buckels and Cr Laine McDonald.

Also present are our Acting Chief Executive Officer and Executive Management Team:-

Mr Mike Rootsey – Acting Chief Executive Officer;
Ms Jacinta Anthony – Acting Director Community Services;

Apologies from Electors

Before commencing tonight's business, are there any apologies from electors to be recorded?

Geraldine Box;
Karen Wrighton; and
Kimberley Dupri.

Local Government Act - Requirements

Section 5.28 of the Local Government Act 1995 provides that a Special Meeting of the Electors of a District is to be held on the request of 100 electors or 5% of the number of electors (whichever is the lesser). The meeting is to be convened within 35 days of receipt of the request and only those matters specified in the Petition are to be discussed. A copy of these matters is listed on the Meeting Agenda (which is on each chair), as follows:

ORDER OF BUSINESS

1. Opening
2. Welcome by Presiding Member – Mayor John Carey
3. Apologies
4. Announcement of Meeting Procedures
5. Address by the Mayor
6. Address by Electors
7. Discussion – Questions and Answers

The purpose of the meeting is to consider the following matters:

- The clearly-expressed view of the electors of the City of Vincent that the City of Vincent should remain as it is;
- The Council resolution of 5th February 2014, which acknowledged the community's preference and the Council's opposition to forced Local Government mergers that 'do not give ratepayers the final say on the future of their council;
- The absence of (a) and (b) from subsequent statements and actions of the Vincent Council; and
- The lack of a clear role for or involvement of the electors and community of Vincent, since the original one-in, all-in' campaign.

8. Closure

Meeting Procedures

As mentioned, I will conduct the meeting pursuant to Regulation 18 of the Local Government (Administration) Regulations 1996 and in accordance with these procedures.

This regulation states that;

"The procedure to be followed at a General or Special Meeting of Electors is to be determined by the person presiding at the Meeting."

Order of Proceedings

The following is the Order of Proceedings for tonight's meeting:

- Address by the Mayor
- Discussions/Questions and Answers;
- Speakers "For" and "Against" the matters specified in the meeting Petition;
- Consideration of any Motions (if any);

I also wish to advise that tonight's proceedings are being recorded, to assist in the preparation of the Minutes.

Voting

Should a decision of the meeting be required, I can advise that in accordance with Regulation 17 of the Local Government (Administration) Regulations, each Elector is entitled to one vote on each matter to be decided. Voting is not compulsory and all decisions are to be made by a simple majority of votes.

Secret voting is not permitted.

Voting will be conducted by holding up the Green coloured Elector cards which have been issued to eligible electors.

Electors

Only electors of the City are entitled to speak at this Electors meeting. All others will need to seek permission from the Chair before speaking.

Procedures for Speakers

Following the presentation shortly to be made by the City, and four Electors I shall call for speakers "For" and "Against" the matters to be discussed at this meeting. In the interests of keeping the meeting in order and to ensure everyone who wishes to speak can do so, I have determined the following procedures;

- (i) I request that all speakers use the microphones provided and state their name and address before commencing to speak;
- (ii) speakers will be limited to speak once only on each matter and any amendment or motion;
- (iii) speakers will be limited to speak for a maximum period of 3 minutes on each matter, amendment or motion;
- (iv) any person who is not an Elector, who wishes to speak, must seek my approval, before doing so;
- (v) all speakers must direct any questions or comments through the Chair;
- (vi) I request that all persons present and all speakers be respectful of other persons and their views and opinions; and
- (vii) whilst a person is speaking, other persons shall not interject or interrupt in any manner whatsoever.

Motions

Any Motions can be moved by an Elector at any time during the discussion part of the meeting. Should any Motions be moved, the following will apply;

1. Mover to state the Motion.
2. A Seconder to the Motion.
3. Mover to speak to the Motion.
4. Seconder to speak to the Motion.
5. Speakers "For" and "Against" the Motion, if any;
6. The mover will have a right of reply and is to confine any discussion to responding to arguments raised by previous speakers. No new information is to be introduced.

I will then put the motion. Could I remind you that when voting, you hold your coloured Elector voting paper up, until all the votes have been counted.

In accordance with the relevant provisions of the Local Government Act, any decisions made at tonight's meeting will be considered at the next Ordinary Meeting of the Council.

These decisions are not binding on the Council. However, if the Council makes a decision in response to a decision made at the Electors' meeting - reasons for the decision are to be recorded in the Minutes.

Minutes of this meeting will be available within five (5) working days and can be viewed on the City's website or at the City's Administration and Civic Centre.

Conduct of Preserving Order

"As the person presiding at the meeting, I have determined under regulation 18 of the Local Government (Administration) Regulations that Council Policy No 4.2.2 – Preserving Order at Council Meetings shall apply to this meeting, as if the references in the Policy to 'Council Meetings' were references to a 'Special Meeting of Electors'."

6. PRESENTATION – ELECTORS

The Presiding Member advised Mr Denham Boulger that he only had five minutes to speak.

1. Denham Boulger 38A Sydney Street, North Perth

We are in troubling times here, where recommendations are being made by the Premier and the Minister for Local Government on the Amalgamations Process, but unfortunately the Minister agrees, admits that no costing has been done as to what it is going to cost individual Councils.

He has indicated that the costings will be done after amalgamations, which really is not a good way to run a business. You go to a bank manager he will say show me your business plan, well the Government are saying we will do this the other way around, we will amalgamate and then we will see if we can formulate a business plan, bearing in mind that they have just reduced their Triple A rating to A 2 rating I feel that there could be further falls in the area.

So, reading some of the headlines that have appeared in the regional/ suburban press, we don't seem to see these in the mainline newspapers. There are a lot of anomalies in what our Minister for Local Government is proposing to do with these various mergers. We don't know what the outcome is going to be. I think in any instance we know that some boundaries are going to be moved around on a piece of paper, but the Government does not know what the cost will be, but I have a pretty fair idea. If you picked up one of the newspapers from front desk you would see that Professor Brian Dollery has made a statement about the cost of amalgamations, which our Government seems not to have read.

Professor Dollery estimates that the cost of amalgamation is between \$60 and \$100 million dollars and the question is who pays? So because there is a huge anomaly on cost, which the Government does not seem to be aware of this is a worry because the problem is you the Electors of Vincent and all the other Electors that are involved in an amalgamation process will pay and pay and pay there is no end to it. How do you pay for \$100 million dollars for amalgamations? Come out of your rates? Cash up front? I don't know but it is not a good scenario.

I do have a motion to move, but this is a little early for motions isn't it Mr Chairman.

Mayor Carey advised Mr Boulger that he would like others to speak first.

So effectively I say that the losers in an amalgamation between the City of Perth and the City of Vincent, the losers will be the Electors of Vincent, we have already had a press statement from Lisa Scaffidi the Lord Mayor of Perth, who stated *"I don't want the urban areas of Vincent"* that is you and I the residents. She doesn't want us she doesn't want our houses to be there, she wants factories or commercial enterprises, so we are an embarrassment to the City of Perth. Take that on board guys, because they may well remove that embarrassment by farming us of to another Council, there is no guarantee that you wont end up with Stirling or any other neighbouring Council. They don't really want us they just want the Commercial areas of Vincent and this is made patently obvious, the reason and I will let you speculate on that.

The Presiding Member Mayor Carey advised Mr Boulger as follows:

Can I suggest to help structure this is perhaps you move your motion and Mr Ker we will move your motions, I am just conscious of time and I appreciate, I think people would like to move to motions and debate.

MOTION

MOVED: Denham Boulger of Sydney Street, North Perth SECONDED: Ian Ker of Vincent Street, Mt Lawley

That;

- 1. That the Minister for Local Government be advised electors at the Special Meeting held on 9 June 2014, instructed Councillors of the City of Vincent to withdraw from all previous arrangements and further discussions with any party on the proposed amalgamation with the City of Perth. The electors of the City of Vincent acknowledge that any attempt to impose disciplinary action or penalty by the Premier of Western Australia or failure to comply with his demands regarding amalgamation will be viewed as an unlawful impost on each and every elector of the City of Vincent.**

Debate ensued.

Ian Ker of Vincent Street, Mt Lawley - spoke in favour of the motion

Ian Ker of Vincent Street, Mt Lawley asked the following questions:

- Is Council aware of the legal opinion published by Denis McLeod, in September 2013, to the effect that Councils should not react to threats (or inducements), including any from the Minister for Local Government, in "representing the interests of electors, ratepayers and residents of the district" as required by the Local Government Act? He said that: "To act against what might otherwise be the best interest of the district, or against the best interest of the electors, ratepayers and residents of the district would ... be an administrative irregularity open to challenge in the courts".
- In view of the clearly-expressed view of the Vincent community in the plebiscite held in October 2013, that their interests would be best-served by Vincent remaining as an independent, viable and sustainable local government, does Council agree that its submission of a proposal to merge with Perth was:
 - (a) Made under perceived duress; and
 - (b) Not in accordance with the community's own view of its best interests.

The Presiding Member Mayor Carey stated that in terms of the issues of definition of duress, I will be clear that Blacks Law Dictionary defines duress "as any unlawful threat or coercion used to induce another to act or not act in a manner they otherwise would not."

I am actually not going into a legal debate whether or not Council's are under duress; I am not going to do that. I want to say to residents this, I believe that this Council has always acted in the best interest of the community and that every decision that we have made has sought to do that and that Yes this was not a voluntary process, we did not opt to make a submission, it did not come out of the blue, a framework was put in place that was Local Government Reform and at the time I was not the Mayor, a Council with Mayor Hon. Alannah MacTiernan, the Council made a resolution, that was the Vincent to Perth, we organised the two rallies and we made that decision and I want to really get to this key point.

The Minister and the Premier and I don't think it changed their mind, will not in any consideration or provision think of Vincent staying as is, so the Council made a difficult decision at the time saying "What do we do?" , because we have a proposal before us that splits Vincent in two and we believe that the Community does not support this.

We made a Strategic decision and people can disagree and in hindsight, is a great thing but we made that decision that we would argue Vincent to Perth, because we thought it was our best shot, given that we had a Minister and a Premier who would not consider any other scenario.

I do note and I want to refer to an article, in the Community Newspaper, "I'm leaving a legacy", this gentleman is not on their radar in any capacity any interest to leave Vincent or any other Local Government as is. So we have really tried, now in that time we made the submission and then the City of Vincent had a referendum, we made our submission on October 4 2013 and then we had a referendum on October 19 2013, I want to say the City of Vincent was one of the few Councils that actually had a referendum and none of us were surprised by the result, which found that overwhelming the majority of Vincent residents wanted to stay as is.

That if they were in a forced scenario that they would rather stay united and go to Perth. Since then and I agree with all the sentiments expressed, it has been a completely flawed process, I absolutely do believe in the right of Local communities and Local Residents to choose their future and I know that the amendments which allows residents to have a say, would vote I believe to keep Vincent as is and that makes me happy, excited that this potential is there, but we were left with a debate with strategy.

Vincent has been participating as part of "Councils for democracy" and we are considering all action that is available so we are looking at we can do, if the processes change, if things fall but I really urge and I know a motion is coming up that says we should withdraw our current submission. If we did that what it would mean is this, that the only submission before the Local Government Advisory Board would be one that actually says a boundary adjustment process of Vincent to Perth, which we would not support. I am not prepared to do that, because I think that would put us significant risk that there will be only one proposal before the Board and that is a boundary adjustment process where the City of Vincent effectively takes over Vincent Council and we are abolished July 1 next year.

So that is the reasoning why I would not support, now the will of the Meeting is to do that and I think you're putting this Community at the risk of being split and that is my belief. I just want to say that I noted in the Motion it states that" we have not acknowledged the Community's preference" and that is absolutely not true and in fact I cannot help what the local papers don't always report on what we say or do.

Debate ensued.

Phillipa Tandy of East Parade, East Perth – spoke regarding the motion.

Dudley Maier of Chatsworth Road, Highgate – spoke against the motion.

Lesley Bowerman of Marlborough Street – spoke against the motion.

Joel Birch of Federation Street, Mount Hawthorn – spoke against the motion.

Debate ensued.

MOTION PUT AND LOST BY A SIMPLE MAJORITY

MOTION

MOVED: Ian Ker of Vincent Street, Mt Lawley SECONDED: Andrew Del Marco of Hutt Street, North Perth

That;

2. That the City of Vincent withdraw its proposal to the Local Government Advisory Board on the grounds that:

- (a) It was made under duress;**
- (b) It does not adequately reflect the expressed wishes of the Vincent community;**
- (c) The Ministerial proposals to which it responded do not comply with the requirements of the Local Government Act 1995; and**

Debate ensued.

Andrew Del Marco of Hutt Street, North Perth - spoke in favour of the motion.

Mathew Keogh silent elector – spoke against the motion.

Georgina Ker of Vincent Street, Mt Lawley – spoke in favour of the Motion.

Dudley Maier of Chatsworth Road, Highgate – spoke against the motion.

Marie Slyth of Carr Street, West Perth – spoke in favour of the motion.

Ian Ker of Vincent Street, Mt Lawley closed debate.

MOTION PUT AND LOST BY A SIMPLE MAJORITY

MOTION

MOVED: Ian Ker of Vincent Street, Mt Lawley **SECONDED:** Denham Boulger of Sydney Street, North Perth

That;

3. **That the City of Vincent support initiatives to question and challenge the legality of the State Government's so-called local government reform process.**

Debate ensued.

Denham Boulger of Sydney Street, North Perth - spoke in favour of the motion.

The Presiding Member Mayor Carey asked Mr Ker if he could amend his motion, Mr Ker advised that he would like the Motion to stay as is.

Marie Slyth of Carr Street, West Perth

- In 2007 the last time City of Perth attempted to take Vincent over and when they failed the CEO Frank Edwards said to me Marie you have won this time but you wont win next, I just wonder how much of that is tied in with the determination to unite with Government to still try and get hold of us?

The Presiding Member Mayor Carey advised Ms Slyth that he did not think that the City of Perth does want to get a hold of us they only want the bit up to Bulwer Street. There has been no indication to change that City of Perth wants all of City of Vincent.

MOTION PUT AND CARRIED BY A SIMPLE MAJORITY

MOTION

MOVED Andrew Del Marco of Hutt Street, North Perth **SECONDED** Ian Ker of Vincent Street, Mt Lawley

That;

4. **This Meeting reiterates the Electors preferred position that the City of Vincent remain as is.**

MOTION PUT AND CARRIED BY A SIMPLE MAJORITY

7. DISCUSSION – QUESTIONS AND ANSWERS (Comments are summarised)

The Presiding Member John Carey stated that he would accept questions and answers on the matter.

Phillipa Tandy of East Parade, East Perth

- With regard to the referendum should we be amalgamated with the City of Perth and who would get to vote in that referendum

The Presiding Member Mayor Carey advised that both Councils would vote. 250 people from memory and what would happen is that there would be 250 signatures if there is an amalgamation and then we would go to a referendum, but you would need 50% of the local residents to vote.

Andrew Del Marco of Hutt Street, North Perth

- Does this meeting need to reiterate our preferred position to remain as is?

The Presiding Member Mayor Carey advised that you can absolutely do that and could I suggest you move a motion regarding this.

Meeting Closure:

Presiding Member Mayor Carey declared the meeting closed at 7.30 pm.